

Resolution No. 15-0327

**A RESOLUTION RATIFYING, CONFIRMING AND APPROVING
PUBLICATION OF NOTICE OF PUBLIC HEARING
TO DISPOSE OF REAL ESTATE**

WHEREAS, the City of Windsor Heights, Iowa is the owner of real property that encompasses the right-of-way along 63rd Street and Hickman Road, as more particularly described in Exhibit A (the “Property”), attached hereto;

WHEREAS, the City of Windsor Heights, Iowa finds that the disposition of said Property is necessary in order to complete the City’s streetscape project, is a valid public purpose and will further the overall public quality of life, economic well being and general welfare of the community; and

WHEREAS, the City Council proposes to dispose of the Property by sale to the State of Iowa by quit claim deed in order to effectuate the purposes set forth above; and

WHEREAS, the City Administrator published notice of the proposal to dispose of real estate and the notice of public hearing, as required by Iowa Code §§364.7 and 362.3, on March 6, 2015 (see notice, attached hereto as Exhibit B); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WINDSOR HEIGHTS, IOWA, as follows:

1. That the action of the City Administrator causing the publication of the notice of public hearing on the 6th day of March, 2015, for a public hearing to be held on the 16th day of March, 2015 at 6:00 p.m. or soon thereafter, in the City Council Chambers, 1133 66th Street, Windsor Heights, Iowa, for the purpose of disposing of real property is hereby ratified, confirmed and approved.
2. That the City Administrator published such notice of public hearing in a legal newspaper, published at least once weekly, and having general circulation in the City, and said publication was published not less than four nor more than twenty days before the date of the scheduled public hearing.
3. That the form of the notice of public hearing is hereby ratified, confirmed and approved.

Passed and Approved this 16th day of March, 2015.

Diana Willits, Mayor

ATTEST:

Brett Klein, City Administrator

EXHIBIT A

A tract of land located in part of Lots 1 and 2, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Iowa, lying South and West of new road right-of-way. Said tract being more particularly described as follows:

Commencing as a point of reference at the Northwest corner of the East 35.00 feet of said Lot 2; thence South $00^{\circ}10'58''$ West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 32.53 feet along the West line of said East 35.00 feet of Lot 2 to the new South right-of-way of Hickman Road; thence South $84^{\circ}15'43''$ East, a distance of 2.36 feet along said South right-of-way; thence South $89^{\circ}58'21''$ East, a distance of 122.16 feet along said South right-of-way to the point of beginning; thence continuing South $89^{\circ}58'21''$ East, a distance of 13.76 feet along said South right-of-way; thence Southeasterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of $89^{\circ}55'20''$ and a chord bearing of South $45^{\circ}00'42''$ East, a distance of 35.33 feet along said South right-of-way of Hickman Road to the new West right-of-way of 63rd Street; thence South $00^{\circ}03'02''$ East, a distance of 15.04 feet along said West right-of-way; thence North $44^{\circ}04'56''$ West, a distance of 55.71 feet to the point of beginning.

Containing 641 square feet, more or less.

AND

A tract of land located in part of Lots 1, 2, 3, 4, 5 and 6, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa. Said plat more particularly described as follows:

Commencing as a point of reference at the Northwest corner of said Lot 6; thence South $89^{\circ}56'06''$ East (all bearings referenced to the Grid North Iowa State Plane Coordinate System South Zone), a distance of 70.00 feet along the North line of said Lot 6 to the East line of the West 70.00 feet of the North 395.00 feet of said Lot 6; thence South $00^{\circ}03'54''$ West a distance of 2.50 feet along said East line to the existing South right-of-way of Highway 6, said point being the point of beginning; thence South $89^{\circ}56'06''$ East, a distance of 583.00 feet along said South right-of-way; thence North $00^{\circ}04'07''$ East, a distance of 2.89 feet to the North line of said Lot 2 along said right-of-way; thence South $89^{\circ}55'53''$ East, a distance of 85.27 feet along said North line and along said right-of-way; thence South $00^{\circ}10'58''$ West, a distance of 5.27 feet along the East line of said Lot 2 to said right-of-way; thence South $89^{\circ}55'13''$ East, a distance of 168.13 feet along said right-of-way to the East line of said Lot 1; thence South $00^{\circ}03'02''$ East, a distance of 324.93 feet along said East line to the South line of the North 130.00 feet of the South 300.00 feet of the South 500.00 feet of said Lot 1; thence North $89^{\circ}58'26''$ West, a distance of 5.00 feet along said South line; thence North $00^{\circ}03'02''$ West, a distance of 272.62 feet; thence Northwesterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of $89^{\circ}55'20''$ and a chord bearing a North $45^{\circ}00'42''$ West, a distance of 35.33 feet; thence North $89^{\circ}58'21''$ West, a distance of 135.92 feet; thence North $84^{\circ}15'43''$ West, a distance of 120.70 feet; thence North $89^{\circ}58'28''$ West, a distance of 311.91 feet; thence

South 00°13'30" West, a distance of 0.78 feet; thence
South 46°57'26" West, a distance of 13.48 feet; thence
South 00°00'00" West, a distance of 28.51 feet; thence
North 89°57'14" West, a distance of 66.07 feet; thence
North 48°23'50" West, a distance of 39.87 feet; thence
North 89°54'35" West, a distance of 124.89 feet; thence
North 84°13'46" West, a distance of 8.60 feet to said East line of the West 70.00
feet of the North 395.00 feet of Lot 6; thence North 00°19'56" East, a distance of
29.34 feet along said East line to the point of beginning.

Containing 24,214 square feet, more or less.

EXHIBIT B

Notice of Public Hearing for the Final Disposition of Real Estate

Pursuant to Iowa Code §364.7, notice is hereby given that a Public Hearing will be held in the Windsor Heights Council Chambers, at 1133 66th Street, Windsor Heights, Iowa, on Monday, March 16, 2015 at 6:00 p.m., or soon thereafter, during the regular session of the City Council meeting concerning the final disposition of real estate. The real estate considered is located in the right-of-way along 63rd Street and Hickman Road, more particularly described below. It is proposed that the real estate be deeded by quit claim deed to the State of Iowa in order to complete the City's streetscape project.

The real estate is legally described as:

A tract of land located in part of Lots 1 and 2, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Iowa, lying South and West of new road right-of-way. Said tract being more particularly described as follows:

Commencing as a point of reference at the Northwest corner of the East 35.00 feet of said Lot 2; thence South 00°10'58" West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), a distance of 32.53 feet along the West line of said East 35.00 feet of Lot 2 to the new South right-of-way of Hickman Road; thence South 84°15'43" East, a distance of 2.36 feet along said South right-of-way; thence South 89°58'21" East, a distance of 122.16 feet along said South right-of-way to the point of beginning; thence continuing South 89°58'21" East, a distance of 13.76 feet along said South right-of-way; thence Southeasterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of 89°55'20" and a chord bearing of South 45°00'42" East, a distance of 35.33 feet along said South right-of-way of Hickman Road to the new West right-of-way of 63rd Street; thence South 00°03'02" East, a distance of 15.04 feet along said West right-of-way; thence North 44°04'56" West, a distance of 55.71 feet to the point of beginning.

Containing 641 square feet, more or less.

AND

A tract of land located in part of Lots 1, 2, 3, 4, 5 and 6, Suburban Farms, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa. Said plat more particularly described as follows:

Commencing as a point of reference at the Northwest corner of said Lot 6; thence South 89°56'06" East (all bearings referenced to the Grid North Iowa State Plane Coordinate System South Zone), a distance of 70.00 feet along the North line of said Lot 6 to the East line of the West 70.00 feet of the North 395.00 feet of said Lot 6; thence South 00°03'54" West a distance of 2.50 feet along said East line to the existing South right-of-way of Highway 6, said point being the point of beginning; thence South 89°56'06" East, a distance of 583.00 feet along said South right-of-way; thence North 00°04'07" East, a distance of 2.89 feet to the North line of said Lot 2 along said right-of-way; thence South 89°55'53" East, a distance of 85.27 feet along said North line and along said right-of-way; thence

South 00°10'58" West, a distance of 5.27 feet along the East line of said Lot 2 to said right-of-way; thence South 89°55'13" East, a distance of 168.13 feet along said right-of-way to the East line of said Lot 1; thence South 00°03'02" East, a distance of 324.93 feet along said East line to the South line of the North 130.00 feet of the South 300.00 feet of the South 500.00 feet of said Lot 1; thence North 89°58'26" West, a distance of 5.00 feet along said South line; thence North 00°03'02" West, a distance of 272.62 feet; thence Northwesterly, a distance of 39.24 feet along a curve concave to the Southwest, having a radius of 25.00 feet, a central angle of 89°55'20" and a chord bearing a North 45°00'42" West, a distance of 35.33 feet; thence North 89°58'21" West, a distance of 135.92 feet; thence North 84°15'43" West, a distance of 120.70 feet; thence North 89°58'28" West, a distance of 311.91 feet; thence South 00°13'30" West, a distance of 0.78 feet; thence South 46°57'26" West, a distance of 13.48 feet; thence South 00°00'00" West, a distance of 28.51 feet; thence North 89°57'14" West, a distance of 66.07 feet; thence North 48°23'50" West, a distance of 39.87 feet; thence North 89°54'35" West, a distance of 124.89 feet; thence North 84°13'46" West, a distance of 8.60 feet to said East line of the West 70.00 feet of the North 395.00 feet of Lot 6; thence North 00°19'56" East, a distance of 29.34 feet along said East line to the point of beginning.

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