

Resolution No. 15-0328

A RESOLUTION AUTHORIZING THE DISPOSAL OF REAL ESTATE AS ALLOWED BY IOWA CODE §364.7

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 purposes 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 the notice of the intent 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; and

WHEREAS, on March 16, 2015, the City Council held a public hearing to receive oral and/or written objections from any resident or property owner of the City with regard to the sale of the Property.

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

1. The City Council of Windsor Height, Iowa, does hereby declare it to be in the best interest of the public to dispose of the Property.
2. The Mayor and City Administrator are hereby authorized and directed to execute the transferring deed and take the necessary steps to dispose of the Property.

PASSED, APPROVED, AND ADOPTED 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°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.

Containing 24,214 square feet, more or less.

EXHIBIT B



Prepared by: Cheryl Watson, Office of Right of Way, IDOT, 800 Lincoln Way, Ames, IA 50010, 515-239-1273

Return to: Cheryl Watson, Office of Right of Way, IDOT, 800 Lincoln Way, Ames, IA 50010, 515-239-1273

Address Tax

Statements: **Tax Exempt - Iowa Code Section 427.1** (Office of Right of Way, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of MUTUAL BENEFIT and other valuable considerations in hand paid by Iowa Department of Transportation, the **CITY OF WINDSOR HEIGHTS, IOWA**, a political subdivision, organized and existing under the laws of the State of Iowa, does hereby Quitclaim to the **STATE OF IOWA** all its right, title, estate, claim and demand in the following described real estate in Polk County, Iowa:

ALL RIGHT, TITLE, INTEREST, ESTATE, CLAIM OR DEMAND GRANTED
IS TO LAND DESCRIBED AS FOLLOWS:

See real estate description and Acquisition Plat attached hereto and by this reference made a part hereof.

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as feminine or masculine gender, according to the context.

Dated _____, 2015.

CITY OF WINDSOR HEIGHTS, IOWA

By: _____ (Sign in Ink)
Diana Willits, Mayor

By: _____ (Sign in Ink)
Brett Klein, City Administrator/Clerk

(AFFIX CITY CORPORATE SEAL ABOVE)

STATE OF IOWA, COUNTY OF POLK, ss:

On this _____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Diana Willits and Brett Klein, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Administrator/Clerk, respectively, of the City of Windsor Heights, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ on the ____ day of _____, 2015, and that Diana Willits and Brett Klein acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

(AFFIX NOTARIAL SEAL ABOVE)

PREPARED BY: VEENSTRA & KIMM, INC. - 3000 WESTOWN PARKWAY - WEST DES MOINES, IOWA 50266-1320 - (515) 225-8000

OWNER:

HURD LAND COMPANY, LLC
BOOK 15063 PAGE 751

COUNTY NAME: POLK

CITY NAME: WINDSOR HEIGHTS

LEGAL DESCRIPTION

An acquisition plat 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 being more particularly described as follows:

ACQUISITION PLAT

FOR THE IOWA DEPARTMENT
OF TRANSPORTATION

DOT PROJECT NO.:

STPN-6-4 (153) --2J-77

COUNTY PARCEL ID:

292/01630-001-000

292/01631-000-000

292/01623-000-000

292/01622-003-000

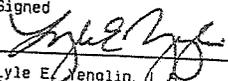
292/01622-001-000

DOT PARCEL NO.: 3

Commencing as a point of reference at the Northwest corner of said Lot 6; thence South 89°56'06" East (all bearings referenced to 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 583.50 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 of 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.

Containing 24,214 square feet, more or less.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signed  Date 9/18/14

Lyle E. Yenglin, L.S.
Iowa License No. 21644
My license renewal date is December 31, 2014



SCALE 1"=100'
DRAWN TJP
CHECKED LEY
APPROVED GJR
DATE 09-18-14
A.C.



VEENSTRA & KIMM, INC. 3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-8000 • 515-225-7848 (FAX) • 800-241-8000 (WATS)

RIGHT-OF-WAY ACQUISITION IN
PT LOTS 1, 2, 3, 4, 5 AND 6,
SUBURBAN FARMS

DWG. NO.

AP-3

1 OF 2

PROJECT 12976

ACQUISITION PLAT

FOR THE IOWA DEPARTMENT OF TRANSPORTATION

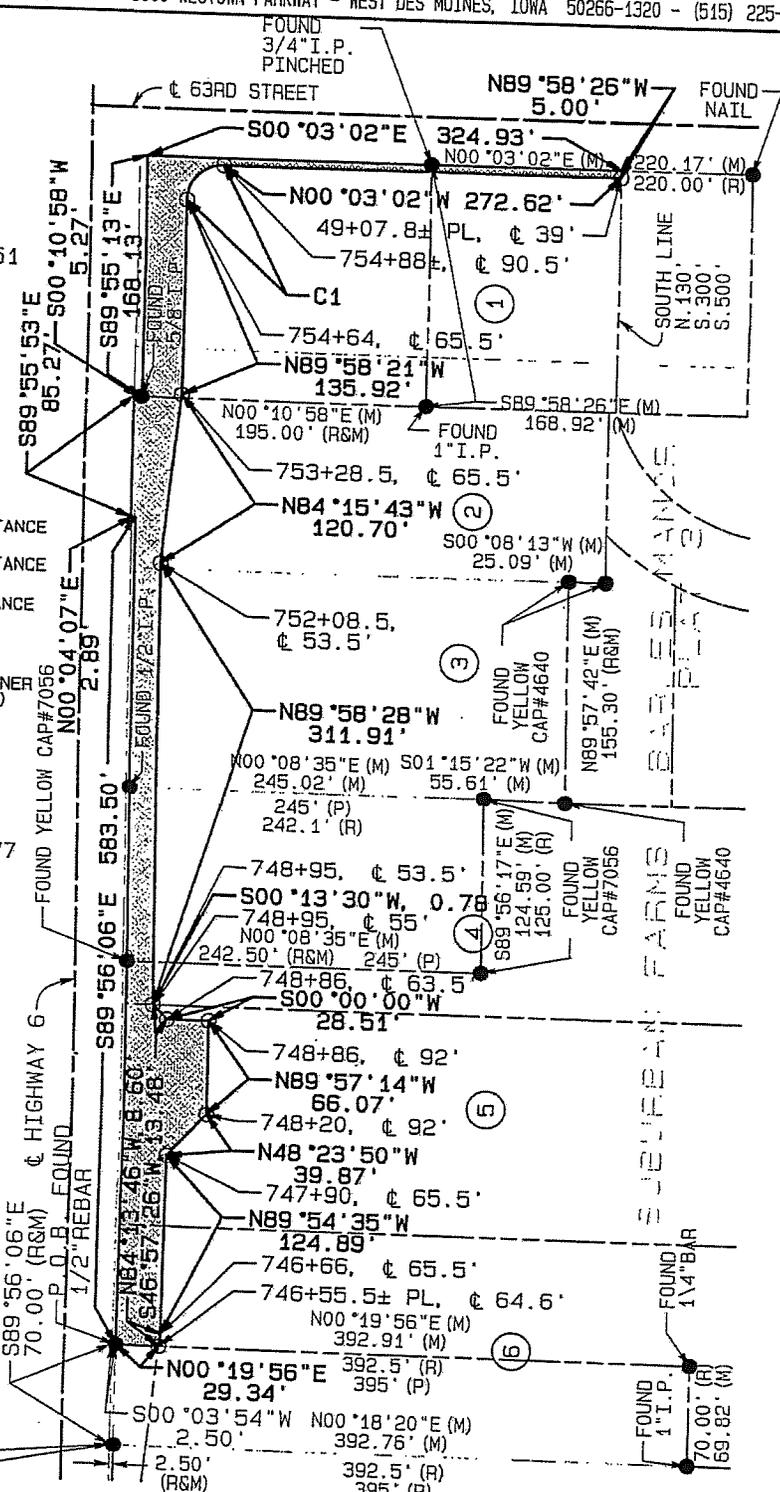
OWNER:
 HURD LAND COMPANY, LLC
 BOOK 15063 PAGE 751

COUNTY PARCEL ID:
 292/01630-001-000
 292/01631-000-000
 292/01623-000-000
 292/01622-003-000
 292/01622-001-000

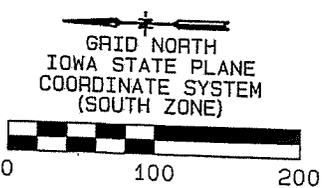
LEGEND
 (M) "AS MEASURED" DISTANCE OR BEARING
 (R) "AS RECORDED" DISTANCE OR BEARING
 (P) "AS PLATTED" DISTANCE OR BEARING
 ○ SET 3/4" BAR W/RED CAP# 21644
 ● FOUND PROPERTY CORNER MONUMENT (AS NOTED)
 ■ RIGHT-OF-WAY 24,214 SQUARE FEET

COUNTY NAME: POLK
DOT PROJECT NO.: STPN-6-4 (153) --2J-77
DOT PARCEL NO.: 3
CITY NAME: WINDSOR HEIGHTS

C1
 RADIUS=25.00'
 DELTA=89°55'20"
 ARC LENGTH=39.24'
 CHORD BEARING=N45°00'42"W
 CHORD LENGTH=35.33'
 P.O.C. CORNER LOT 6
 FOUND 1/2" I.P. W/YELLOW CAP# 3169
 FOUND 1/2" I.P. W/YELLOW CAP# 3169
 FOUND 1/2" I.P. W/YELLOW CAP# 3169
 FOUND 1/2" I.P. W/YELLOW CAP# 3169



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
 Signed: *Lyle E. Yanglin* Date: 9/18/14
 Lyle E. Yanglin, L.S.
 Iowa License No. 21644
 My license renewal date is December 31, 2014



SCALE	1"=100'
DRAWN	TJP
CHECKED	LEY
APPROVED	SKR
DATE	09-16-14
A.C.	



RIGHT-OF-WAY ACQUISITION IN PT LOTS 1, 2, 3, 4, 5 AND 6, SUBURBAN FARMS

DWG. NO.
 AP-3
 2 OF 2
PROJECT 12976

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