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*Judiciary 3/25, Pass 4/13*

SENATE FILE

**426**

By MILLIGAN  
(Kreamer)

Passed Senate, Date 5-3-71 Passed House, Date 5-3-71  
Vote: Ayes 42 Nays 0 Vote: Ayes 83 Nays 0  
Approved 5-7-71

## A BILL FOR

1 An Act to legalize and validate the proceedings of the Board  
2 of Directors of the Des Moines Independent Community School  
3 District, in the County of Polk, State of Iowa, confirming  
4 and authorizing the sale of certain property.

5 WHEREAS, it appears from the records of the Board of  
6 Directors of the Des Moines Independent Community School  
7 District, County of Polk, State of Iowa, that on February 7,  
8 1966, a Special Warranty Deed from the Des Moines Independent  
9 Community School District to Melvin Lumber Company was executed,  
10 and recorded in Book 3758, page 97, Polk County, Iowa, Recorder,  
11 for the following described real property:

12 That part of the NW 1/4 of the NW 1/4 of Section 28,  
13 Township 78 North, Range 24 West of the 5th P.M.,  
14 described as follows: Beginning at a point on the  
15 South line of said NW 1/4 of the NW 1/4 that is 33  
16 feet East of the SW corner of said NW 1/4 of the NW  
17 1/4 of Section 28; thence East 462.1 feet along the  
18 South line of said NW 1/4 of the NW 1/4 of Section 28  
19 to a point also known as the SW corner of Lot 21,  
20 McKinley Heights, Plat No. 3; thence North 302.5 feet  
21 to a point also known as the NW corner of Lot 17,  
22 McKinley Heights, Plat No. 3; thence West along the  
23 South right-of-way of Hackley Street extended West a  
24 distance of 6.09 feet to the beginning of a 3° 14'  
25 47" curve to the left; thence Westerly along said 3°

1 14' 47" curve to the left having a radius of 1764.9  
2 feet and a central angle of 7° 21' for a distance  
3 of 226.4 feet to the end of said curve; thence  
4 reversing on a 3° 09' 25" curve to the right having  
5 a radius of 1814.9 feet and a central angle of 7°  
6 21' for a distance of 232.8 feet to the end of said  
7 curve (said point being 33 feet East of the West  
8 line of the aforementioned NW 1/4 of the NW 1/4 of  
9 Section 28); thence South 275.9 feet to the point of  
10 beginning, said real estate now being in and forming  
11 a part of the City of Des Moines, Polk County, Iowa.

12 WHEREAS, on July 7, 1966, there was filed with the Polk  
13 County Auditor, Plat Book O-441, James Embee Place, an  
14 Official Plat, which included the above described property;  
15 and

16 WHEREAS, said Melvin Lumber Company thereafter conveyed  
17 all or portions of the above described property, now platted  
18 as James Embee Place, an Official Plat, now included in and  
19 forming a part of the City of Des Moines, Iowa; and

20 WHEREAS, doubts have arisen concerning the validity and  
21 legal sufficiency of the deed from said School District to  
22 Melvin Lumber Company, and it is deemed advisable to put such  
23 doubts and all others that might arise concerning the same  
24 forever at rest, NOW THEREFORE,

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

26 Section 1. All proceedings heretofore taken by the Board  
27 of Directors of the Des Moines Independent Community School  
28 District in the County of Polk, State of Iowa, in connection  
29 with the sale of the following described real property:

30 That part of the NW 1/4 of the NW 1/4 of Section 28,  
31 Township 78 North, Range 24 West of the 5th P.M.,  
32 described as follows: Beginning at a point on the  
33 South line of said NW 1/4 of the NW 1/4 that is 33 feet  
34 East of the SW corner of said NW 1/4 of the NW 1/4 of  
35 Section 28; thence East 462.1 feet along the South line

1 of said NW 1/4 of the NW 1/4 of Section 28 to a point  
 2 also known as the SW corner of Lot 21, McKinley Heights,  
 3 Plat No. 3; thence North 302.5 feet to a point also  
 4 known as the NW corner of Lot 17, McKinley Heights, Plat  
 5 No. 3; thence West along the South right-of-way of  
 6 Hackley Street extended West a distance of 6.09 feet to  
 7 the beginning of a 3° 14' 47" curve to the left; thence  
 8 Westerly along said 3° 14' 47" curve to the left having  
 9 a radius of 1764.9 feet and a central angle of 7° 21'  
 10 for a distance of 226.4 feet to the end of said curve;  
 11 thence reversing on a 3° 09' 25" curve to the right  
 12 having a radius of 1814.9 feet and a central angle of  
 13 7° 21' for a distance of 232.8 feet to the end of said  
 14 curve (said point being 33 feet East of the West line of  
 15 the aforementioned NW 1/4 of the NW 1/4 of Section 28);  
 16 thence South 275.9 feet to the point of beginning, said  
 17 real estate now being in and forming a part of the City  
 18 of Des Moines, Polk County, Iowa.

19 and the sale of said property by the Board of Directors of said  
 20 District to Melvin Lumber Company are hereby legalized, validated  
 21 and confirmed, and the proceedings of said Board of Directors  
 22 relating thereto are hereby declared to be legal and constitute  
 23 the valid and binding obligation of said District.

24 Sec. 2. This Act, being deemed of immediate importance,  
 25 shall be in full force and effect from and after its final  
 26 approval and publication in The West Des Moines Express, a  
 27 newspaper published at West Des Moines, Iowa, and The Des Moines  
 28 Register, a newspaper published at Des Moines, Iowa, without  
 29 expense to the State.

30 EXPLANATION

31 This act will legalize the sale of a portion of the Wright  
 32 School site at Southwest Fourteenth and Hackley, Des Moines,  
 33 Iowa, which took place in the Summer of 1965, and which was  
 34 concluded in March, 1966. The Des Moines Independent Community  
 35 School District sold the property to the Melvin Lumber Company

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of Norwalk, Iowa, and a subsequent buyer has now raised a question about the title of a portion of the property sold by the School District to Melvin Lumber Company. The legalizing act will clear up what appears to be a cloud on the title to this property.

*Proof of Publication 3/20  
The Des Moines Register 3/18*

*Proof of Publication 6/8  
The West Des Moines Express 5/20  
The Des Moines Register 5/21*

LSB 1043