

Date February 22, 2010

RESOLUTION APPROVING PARTIAL RELEASE OF PERMANENT CONSERVATION EASEMENT

WHEREAS, on July 23, 2007, by Roll Call No. 07-1397, the City Council approved the subdivision plat titled Sawyer's Landing Plat 2, located in the vicinity of Twana Drive and 29th Street, to be developed by Sawyer's Landing, L.L.C., represented by Ted Grob, Manager; and,

WHEREAS, the City required the dedication of a Permanent Conservation Easement upon portions of Sawyer's Landing Plat 2 for the purpose of protecting the easement area from grading and the placement of structures, and to protect the large trees then existing within the easement area; and,

WHEREAS, Sawyer's Landing, L.L.C., has requested that the Permanent Conservation Easement be released upon the portion of the easement area described below because the large trees within that area were removed by the City for the construction of a new public storm sewer line that was intended to resolve existing drainage problems in the neighborhood; and,

WHEREAS, the Community Development Director recommends approval of the request; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the Partial Release of Permanent Conservation Easement prepared by the Legal Department, which releases the following described area from the Permanent Conservation Easement recorded on August 8, 2007, in Book 12323, at Page 493, in the office of the Polk County Recorder, is hereby approved.

That portion of the Permanent Conservation Easement Area (c) consisting of the West 30.0 feet of Lot 67, in Sawyer's Landing Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

- 2. The Mayor is hereby authorized and directed to sign the Partial Release on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
- 3. The City Clerk is hereby further directed to forward the executed Partial Release with a certified copy of this resolution to the Legal Department for release to and recording by Sawyer's Landing, L.L.C.

(continued)

★ **Roll Call Number**

Agenda Item Number

18

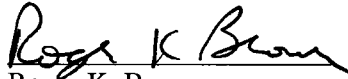
Date February 22, 2010

-2-

(Council Communication No. 10- 084)

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Plats\Pending\Sawyer's\RC Release Esmt.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk



18

February 5, 2010

FILED
CITY CLERK
DES MOINES, IOWA
FEB 10 AM 11:29

Honorable Mayor and Members of the City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, Iowa 50309

RE: REQUEST FOR ABANDONEMENT OF A
PERMANENT CONSERVATION EASEMENT
LOT 67, SAWYER'S LANDING PLAT 2
DES MOINES, IOWA

Dear Honorable Mayor and Members of the City Council:

On behalf of Savannah Homes, Inc., I wish to request the abandonment of a portion of the Permanent Conservation Easement located along the westerly property line of Lot 67 in Sawyer's Landing Plat 2. This easement was placed on the plat to protect trees that were on the property line during the preliminary phase of the subdivision development. During the course of the project, the City of Des Moines constructed a storm sewer relief project that resulted in the removal of all of the trees located within this easement area. Currently this area only has grass that was installed during the City's project. We wish to construct a home on this lot and utilize the area currently encumbered by this easement.

It is therefore under this circumstance that I formally request the City Council to abandoned the westerly 30 feet (4,350 SF more or less) of the Permanent Conservation Easement for Lot 67, Sawyer's Landing Plat 2 as recorded on August 8, 2007 in Book 12323, Page 493-495 in the Polk County Recorder's Office.

We are anticipating this project being placed on the February 22nd City Council agenda in hopes of planning home construction in early spring. If there are additional questions or comments on this request, please contact me at your convenience. Thank you.

Sincerely,
SAVANNAH HOMES, INC.

Ted A. Grob, President

800 South 50th Street
Suite 101
West Des Moines, IA
50266
p/515-221-2333
f/515-221-4680
www.savhms.com

SAWYER'S LANDING PLAT 2 FINAL PLAT

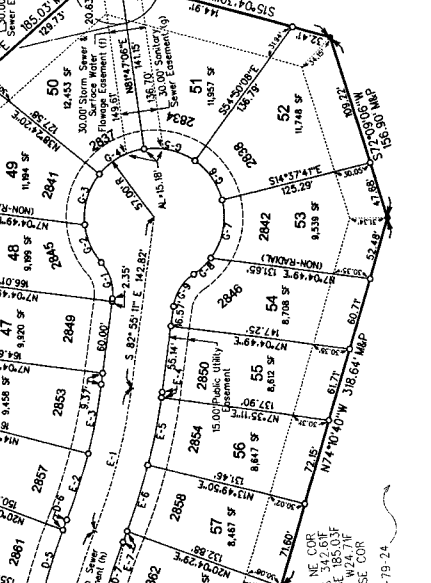
CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING/DISTANCE
D-1	20° 56' 46" RT	500.00'	82.79'	92.43'	S 79° 21' 33" E 181.77'
D-2	5° 54' 33" RT	325.00'	31.39'	28.66'	S 89° 12' 33" E 11.36'
D-3	5° 54' 33" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-4	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-5	0° 48' 35" RT	325.00'	8.52'	4.48'	S 89° 23' 03" E 1.82'
D-6	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-7	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-8	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-9	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-10	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-11	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-12	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-13	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-14	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-15	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-16	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-17	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-18	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-19	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-20	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-21	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-22	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-23	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-24	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-25	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-26	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-27	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-28	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-29	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-30	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-31	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-32	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-33	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-34	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-35	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-36	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-37	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-38	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-39	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-40	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-41	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-42	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-43	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-44	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-45	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-46	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-47	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-48	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-49	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'
D-50	6° 14' 39" RT	325.00'	31.39'	28.66'	S 79° 14' 34" E 57.19'

APPROVED BY: *[Signature]*
 JUL 2, 2007
 CERTIFIED BY: *[Signature]*
 JUL 2, 2007
 City of Des Moines, Iowa

OWNER/APPLICANT: ENGINEER/SURVEYOR
 C/O SAVANNAH HOMES, INC.
 2777 SW SNYDER BLVD.
 ANNEX N, KVM, 50023
 DES MOINES, IOWA 50323
 515-964-2023

NOTES:
 1. LOT PINS SHALL BE SET WITHIN ONE YEAR OF THE FINAL PLAT BEING RECORDED.
 2. ALL LOTS TO BE A MINIMUM OF 60' WIDE AT THE FRONT.
 3. PAVED DRIVEWAYS SHALL BE PROVIDED ALONG BOTH SIDES OF ALL PUBLIC STREETS.
 4. ALL LOT LINES ARE RADIAL TO STREET CENTERLINE CURVES UNLESS OTHERWISE NOTED.
 5. LOTS 1-1 AND 79-103 WERE CONTAINED WITHIN SAWYER'S LANDING PLAT 1 AND ARE NOT PART OF THIS PLAT.
 6. PUBLIC UTILITY LINES ARE SHOWN AS DOTTED LINES.
 7. STREET LOTS 4, 8, 10, AND 12 WILL BE DEDICATED TO THE CITY FOR RIGHT-OF-WAY PURPOSES.
 8. EXISTING EASEMENTS ARE SHOWN AS DOTTED LINES.
 9. EXISTING EASEMENTS ARE SHOWN AS DOTTED LINES.
 10. EXISTING EASEMENTS ARE SHOWN AS DOTTED LINES.



AGREEMENT SUMMARY:
 SINGLE FAMILY RESIDENTIAL, SEC 21-79-24, 12.42 AC
 PUBLIC EASEMENTS:
 RESERVATION LOCATION:
 EASEMENT TYPE:
 (a) Lot 38 - 40 30.00' CONSERVATION EASEMENT
 (b) Lot 44 - 68 30.00' CONSERVATION EASEMENT
 (c) Lot 67 - 69 30.00' CONSERVATION EASEMENT
 (d) Lot 65 - 69 TEMPORARY EASEMENT FOR VEHICULAR TURNAROUND
 (e) Lot 50 - 51 30.00' STORM SEWER AND SURFACE SANITARY SEWER EASEMENT
 (f) Lot 50 - 51 STORM SEWER EASEMENT
 (g) Lot 50 - 51 STORM SEWER EASEMENT
 (h) Lot 50 - 51 STORM SEWER EASEMENT
 (i) Lot 77 - 78 15.00' STORM SEWER EASEMENT
 (j) Lot 77 - 78 15.00' STORM SEWER EASEMENT

LEGEND:
 STORM SEWER (S)
 SANITARY SEWER (SS)
 CONSERVATION EASEMENT (CE)
 TEMPORARY EASEMENT (TE)
 VEHICULAR TURNAROUND (VT)
 STORM SEWER AND SURFACE SANITARY SEWER EASEMENT (SSSE)
 STORM SEWER EASEMENT (SSE)
 STORM SEWER EASEMENT (SSE)
 STORM SEWER EASEMENT (SSE)