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**Date** February 23, 2009

WHEREAS, on February 4, 2002, by Roll Call No. 02-342, the City Council approved the subdivision plat entitled Brook Run Village Plat 5, located south of E. Douglas Avenue and along Brook Ridge Court and accepted Irrevocable Letter of Credit #2002-09-04 from Liberty Bank, FSB, in the amount of \$21,752 as security for the estimated cost of completing the required sidewalks for such plat; and,

WHEREAS, the City Engineer and Community Development Director have certified that the required sidewalks have been satisfactorily completed and recommend that the security in the amount of \$21,752 for such improvements be released and returned to the developer; NOW THEREFORE,

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

1. That Irrevocable Letter of Credit #2002-09-02 in the amount of \$21,752 from Brook Run, LC and Liberty Bank, FSB, is hereby released as security for the satisfactory completion of the required sidewalks, and shall be returned to the Principal.
2. That the City Clerk is hereby directed to notify the Principal and Surety of the release of such security at the following respective addresses:

Brook Run, L.C.  
Tom Gratius  
3501 Westown Parkway  
West Des Moines, IA 50266

Liberty Bank, FSB  
3800 100<sup>th</sup> Street  
Urbandale, IA 50322

( Council Communication No. 09- 086 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*  
Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
**Mayor**

**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.

\_\_\_\_\_  
City Clerk

"BROOK RUN VILLAGE PLAT 5"

