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Date..... March 26, 2007

**ACCEPTANCE OF A PERMANENT EASEMENT FOR STORM SEWER
LOCATED AT 1246 31ST STREET
FOR THE DRAKE MIXED USE HOUSING PROJECT**

WHEREAS, on November 6th, 2006, by Roll Call No. 06-2215, the City Council approved a “PUD” Conceptual Plan titled “Drake-Hubbell Housing Development” for the property located in the vicinity of Carpenter Street and 31st Street, which is now owned by Drake University, represented by Casey Port, Hubbell Construction Services, Inc., and,

WHEREAS, on December 18th, 2006, by Roll Call 06-2481, the City Council approved a “PUD” Restoration Bond for the Drake-Hubbell Housing Development, and,

WHEREAS, to permit construction of the Drake-Hubbell Housing Development Project, Drake University has requested that it be permitted to relocate a public storm sewer into a new easement area and that the City accept a new Permanent Easement for Storm Sewer Right-of-Way that replaces and releases the existing storm sewer easement.

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

1. That the attached documents are hereby approved and accepted as follows:

Property Owner:	Drake University
Property Location:	1246 31 st Street
Document Type:	Permanent Easement for Storm Sewer Right-of-Way
Consideration:	\$0 plus closing costs

2. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to obtain the checks needed to carry out the transaction and to deliver them to the payees.
3. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department’s review and approval of all closing documents prior to closing.

(continued)


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4. That the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices

Moved by _____ to adopt.

Account: 535200

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

pjm

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

