

Date May 22, 2006

HOLD HEARING FOR THE PARTIAL RELEASE OF EASEMENT ON PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY AT SW 1ST STREET AND GRANGER AVENUE FOR \$1.00

WHEREAS, on August 5, 2002, by Roll Call No. 02-1906, the City Council approved the acquisition of a permanent easement across property owned by Union Pacific Railroad Company at SW 1st and Granger Avenue, in connection with the Indianola Avenue Connector Project, for the consideration of \$1.00; and

WHEREAS, this easement originally encumbered a larger area than the portion of the property owned by Union Pacific Railroad Company than is now needed for permanent easement purposes; and

WHEREAS, Union Pacific Railroad Company has requested that the excess portion of the easement be released; and

WHEREAS, on May 8, 2006, by Roll Call No. 06-_____, it was duly resolved by the City Council that the proposed release of easement across a portion of such property, more specifically described below, be set down for hearing on May 22, 2006, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to release a portion of this easement this was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed release of easement, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed partial release of easement as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the partial release of easement on this property at SW 1st Street and Granger Avenue, more specifically described as follows:

A PART OF LOTS 3 & 4, BLOCK 8, VAN'S ADDITION TO SOUTH DES MOINES AND A PART OF LOT 7, BLOCK 6, SOUTH FORT DES MOINES, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 72°(DEGREES) 18'(MINUTES) 27"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 46.80 FEET; THENCE NORTH 15°48'23" WEST, 70.94 FEET; THENCE NORTH 57°35'20" EAST, 139.27 FEET; THENCE SOUTH 18°51'24" WEST, 166.04 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN FIELD BY MICHAEL M. KLAPP, LICENSED

DESCRIPTION APPROVED
[Signature]
5/22/06 12:30

Date May 22, 2006

SURVEYOR NO. 4821. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 8,618 SQUARE FEET

3. That the partial release of easement to Union Pacific Railroad Company for \$1.00 be and is hereby approved.
4. The Mayor is authorized and directed to sign the Partial Release of Easement for the release as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this Partial Release of Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Partial Release of Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Partial Release of Easement and copies of the other documents to the grantees.
8. There will be no proceeds associated with the partial release of this easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa
Emily Gould Chafa, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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