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Date..... June 4, 2007

RESOLUTION APPROVING AGREEMENT WITH SUMMERSFIELD, LLC,
REGARDING THE FUTURE IMPROVEMENT OF NE 46th STREET

WHEREAS, on December 4, 2006, by Roll Call Nos. 06-2363 and 06-2364, the City Council approved the final plats entitled Summersfield Plats 1 and 2, and accepted a check from Hubbell Properties II, LC, in the amount of \$108,226.00 as a bond for one-half the estimated costs to improve the adjoining portion of NE 46th Street to City standards; and,

WHEREAS, Summersfield LLC, represented by Dan Dutcher, Vice President, is the successor to Hubbell Properties II, LC, in ownership of Summersfield Plats 1 and 2, has offered to release the bond to the City in exchange for an agreement by the City to not assess any part of the costs for the future improvement of NE 46th Street to City standards against the lots within Summersfield Plats 1 and 2; and,

WHEREAS, the City Manager recommends that the City enter into the agreement with Summersfield LLC, to accept the payment; NOW THEREFORE,

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

1. *The Agreement Regarding Paving of a Portion of NE 46th Street adjoining Summersfield Plats 1 and 2 in Des Moines, Iowa*, which is on file in the office of the City Clerk, and which provides for the City to retain the \$108,226.00 received incident to the platting of Summersfield Plats 1 and 2, exchange for a commitment by the City to not assess any of the lots within such plats for the future cost of improving NE 46th Street to City standards is hereby approved.
2. The Mayor is hereby authorized and directed to sign the Agreement described above on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(continued)

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- The City Clerk is hereby directed to forward the executed Agreement and a certified copy of this resolution to the Legal Department for release to Hubbell Realty for recording.

(Council Communication No. 07- 342)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney
 C:\Rog\Plats\Pending\RC Summersfield.doc

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