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Date June 19, 2006

RESOLUTION ACCEPTING REPLACEMENT
ACCESS AND STORM WATER MONITORING EASEMENT
(5415 Fleur Drive)

WHEREAS, Stein, L.L.C. represented by Cory Steiner, Manager, is seeking to redevelop the property at 5415 Fleur Drive; and,

WHEREAS, the property at 5415 Fleur Drive is encumbered by an Access Easement for Storm Water Monitoring which allows City staff to cross the property to obtain water samples from the adjoining Yeader Creek; and,

WHEREAS, due to changes in the monitoring requirements, the preferred sampling location has moved further east on Yeader Creek; and,

WHEREAS, as a condition for approval of the proposed site plan for the redevelopment of the property, the City has required Stein, L.L.C., to provide a replacement access easement to reach the new sampling location on Yeader Creek and to abandon the existing access easement; and,

WHEREAS, the City staff recommends acceptance of the replacement easement and release of the original easement; NOW THEREFORE,

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

1. The *Access and Storm Water Monitoring Easement and Release and Abandonment of Existing Easement* prepared by the Legal Department and on file in the office of the City Clerk, which conveys a replacement access easement to the City, and releases and abandons an existing access easement upon the property at 5415 Fleur Drive, is hereby approved.
2. The City Clerk is hereby authorized and directed to certify on the said easement to the City's acceptance of such easement. The City Clerk is further directed to forward the fully executed easement to the Real Estate Section of the Engineering Department for recording.

(continued)

★ Roll Call Number

Agenda Item Number

18

Date June 19, 2006

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MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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

Access and Storm Water Monitoring Easement
5415 Fleur Drive

