

Date August 6, 2007

ACCEPTANCE OF A PERMANENT EASEMENT FOR AN EXISTING STORM SEWER THAT RUNS ACROSS PROPERTY LOCATED ON THE NORTHWEST CORNER OF SOUTHWEST 4TH STREET AND PAYTON AVENUE

WHEREAS, there is no public record of a permanent easement document for the existing storm sewer that runs across a portion of the property located on the Northwest corner of Southwest 4th Street and Payton Avenue; and

WHEREAS, it is in the best interest of the City of Des Moines and the property owner to define the appropriate limits and terms for a storm sewer easement; and

WHEREAS, the property owner has agreed to convey a permanent easement for storm sewer right-of-way at no cost to the City of Des Moines in exchange for a defined easement area that will assist with residential development on the property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached document is hereby approved and accepted as follows:

Property Owner: Randal S. Mitchell
Property Location: SW 4th Street and Payton Avenue
Document Type: Permanent Easement for Storm Sewer Right-of-Way
Consideration: \$1.00 Plus Closing Costs

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 complete the transaction in accordance with standard real estate practices.

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.

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.

★ Roll Call Number

Agenda Item Number

19

Date August 6, 2007

General Storm Sewer Work 2007/08: Page 2

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

 Mayor

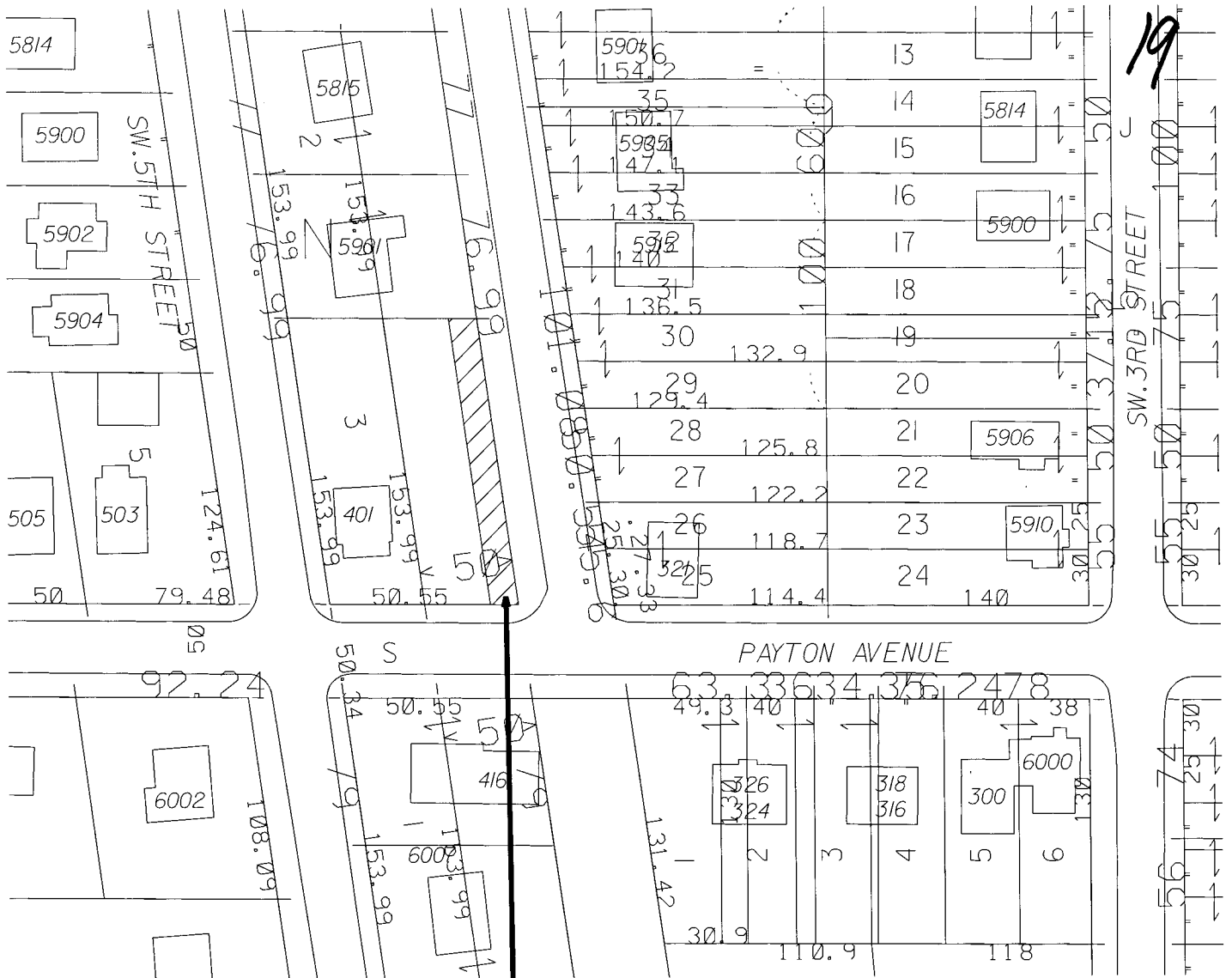
CERTIFICATE

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.

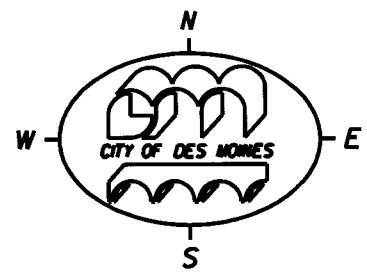
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

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**PROJECT
LOCATION**



**PROPERTY ACQUISITION
PERMANENT EASEMENT
STORM SEWER RIGHT OF WAY
ACTIVITY I.D. 08-2008-000**