

Date September 24, 2007

Project Name: Gay Lea Wilson Trail – Phase 3 Page 1

RESOLUTION TO APPROVE AND ACCEPT PERMANENT EASEMENT FROM GEORGE A. AND KIMBERLY S. FLIPPO FOR THE GAY LEA WILSON TRAIL PROJECT – PHASE 3

WHEREAS, on September 29, 1998, by Roll Call No. 98-2949, the City Council of the City of Des Moines, Iowa, approved an alignment for the Four Mile Creek Trail Phase III, now re-named the Gay Lea Wilson Trail Phase III; and,

WHEREAS, on October 8, 2001, by Roll Call No. 01-3011, the City Council of the City of Des Moines, Iowa, approved a re-alignment and acquisition of right-of way and easements necessary for construction of the Gay Lea Wilson Trail Phase III; and,

WHEREAS, the property owners listed below purchased a City-owned lot in the project area, subject to an easement for recreational trail purposes over the entire property; and,

WHEREAS, the project has been completed and it is no longer necessary to require a permanent easement over the entire property, and the replacement permanent easement listed below will only encumber the land required for the trail project.

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

Property Owner:	George A. and Kimberly S. Flippo
Property Location:	2706 East 35 th Street
Document Type:	Permanent Easement
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 transactions 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 transactions 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

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Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

 Glenna K. Frank
 Assistant City Attorney

RTW

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

