

Date October 8, 2007

**APPROVAL OF CONSENT AGREEMENT FOR STRUCTURES LOCATED WITHIN PERMANENT EASEMENT FOR STORM SEWER RIGHT OF WAY LOCATED ON PROPERTY AT 400 WILMERS AVENUE**

**WHEREAS**, there is an easement of public record for storm sewer upon the property located at 400 Wilmers Avenue; and

**WHEREAS**, the property owners of 400 Wilmers Avenue have contacted City staff to obtain permits for the erection of structures, which would encroach upon said easement; and

**WHEREAS**, the City Engineer, Public Works, and Permit and Development departments have investigated the easement area and determined that the Jones' proposed erection of structures is acceptable contingent upon execution of a Consent Agreement outlining the obligations and duties of Mr. and Mrs. Jones with respect to the erected structures; and

**WHEREAS**, the property owners have executed the Consent Agreement for Structures Located Within Permanent Easement for Storm Sewer Right-of-Way, as attached hereto; and

**WHEREAS**, it is in the best interest of the City to execute and finalize said Consent Agreement.

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

|                    |   |
|--------------------|---|
| Property Owner:    | Lee Ann and Kevin Jones   |
| Property Location: | 400 Wilmers Avenue  |
| Document Type:     | Consent Agreement for Structures Located Within Permanent Easement for Storm Sewer Right of Way |
| Consideration:     | \$1.00 plus closing costs to be paid by property owners   |

That the Mayor is hereby authorized and directed to sign the Consent Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

That upon execution of the Consent Agreement, the City Clerk is hereby authorized and directed to forward the executed Consent Agreement and a certified copy of this resolution to the Real Estate Division for recording.

That upon return of the documents from recording, the Real Estate Division shall provide a copy of the recorded documents to Lee Ann and Kevin Jones.

Date October 8, 2007

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

Acquisition – Non-Project  
Activity ID: 03-2007-000  
2007-08 CIP, Storm Water  
Improvements, City-wide Storm  
Water Utility Projects, STE057,  
EN304, PWK990000, Page Storm  
Water Improvements – 5.

*DSM*

| COUNCIL ACTION | YEAS     | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE         |          |      |      |        |
| COLEMAN        |          |      |      |        |
| KIERNAN        |          |      |      |        |
| HENSLEY        |          |      |      |        |
| MAHAFFEY       |          |      |      |        |
| MEYER          |          |      |      |        |
| VLASSIS        |          |      |      |        |
| TOTAL          |          |      |      |        |
| MOTION CARRIED | APPROVED |      |      |        |

**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

\_\_\_\_\_  
Mayor

