

Date October 12, 2009

RESOLUTION APPROVING MELBOURNE CONDOMINIUMS STORMWATER FACILITIES MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT

WHEREAS, Hubbell Realty Company and Melbourne Apartments I, LLLP, hereinafter referred to as the "Owners", have applied for City approval of a Site Plan for land in the vicinity of 5525 S.E. 14<sup>th</sup> Street; and,

WHEREAS, incident to the City's review and approval of the Site Plan, the Owners are required to provide for the control of stormwater runoff from the proposed development; and,

WHEREAS, the Owners have agreed to operate and maintain certain stormwater management facilities in accordance with a *Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement* which is on file and available for public inspection in the office of the City Clerk; and,

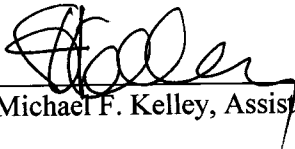
WHEREAS, the City Engineer recommends that the *Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement* be approved and accepted by the City; NOW, THEREFORE,

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

1. The *Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement* with Owners, which is on file in the office of the City Clerk, is hereby approved.
2. The Mayor is hereby authorized and directed to sign the *Stormwater Management Facilities Maintenance Covenant and Permanent Easement 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.
3. The City Clerk is further directed to forward the executed document to the Real Estate Division for release to and recording by the Owners.

APPROVED AS TO FORM:

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



Michael F. Kelley, Assistant City Attorney

LEGAL\LAHYERS\MFK\ROLL CALLS\Melbourne-Hubbell Easement.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