

Date November 9, 2009

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF EASEMENT FOR
CROSSING OF STREET MAINTENANCE EQUIPMENT ON PROPERTY LOCATED AT
301 SOUTHWEST 14TH STREET**

WHEREAS, on April 11, 1966, by Roll Call No. 66-1880, the City Council approved and accepted an Easement for Crossing of Street Maintenance Equipment from the Des Moines Union Railway Company, as recorded in the office of the Recorder of Polk County, Iowa as recorded on April 13, 1966 in Book 3761, Pages 181-182; and

WHEREAS, the afore-mentioned easement contained an error in the legal description, and thus on March 6, 1967, by Roll Call No. 67-908, the City Council approved and accepted a Corrected Easement for Crossing of Street Maintenance Equipment from the Des Moines Union Railway Company, as recorded in the office of the Recorder of Polk County, Iowa as recorded on March 7, 1967 in Book 3837, Pages 69-70; and

WHEREAS, Montgomery Properties Corporation is the owner of property located at 301 SW 14th Street, which is being developed by Sherman Associate, Incorporated into the Grays Lake Office Park (Riverpoint West) conceptual plan, and has requested that the afore-mentioned Easements for Crossing of Street Maintenance Equipment be released by the City of Des Moines, Iowa; and

WHEREAS, the City has no current or anticipated need for the existing crossing easements upon this specific property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. There is no public need for the property interests described below and the public would not be inconvenienced by reason of the release of the Easements for Crossing of Street Maintenance Equipment specifically described as follows:

Original Easement: Book 3761, Pages 181-182, Polk County Recorder

Commencing at a point on the West Line of the East 735 Feet of Lot 6 of the Official Plat of the NW ¼ of Section 9, Township 78 North, Range 24, West of the 5th P.M. that is 80 Feet from the South line of the M. & St. L. right of way (measured normal to said right of way line); thence Westerly 1200 Feet more or less to the intersection of the South line of Wabash Street and the East line of SW 16th Street; thence North 50 Feet; thence Easterly 1200 Feet more or less to a point 50 Feet North of the place of beginning; thence South to the place of beginning.

And

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Corrected Easement: Book 3837, Pages 69-70, Polk County Recorder

That part of the NE ¼ of Section 8-78-24, and that part of Lot 5 of the Official Plat of the NW ¼ of Section 9-78-24 lying East of SW 16th Street and North of a line that is 66 feet South of (measured at right angles to) and parallel to the South line of the M. & St. L. Railway right of way;

Also

Commencing at the intersection of the above mentioned line with the East line of said Lot 5; thence SErly to a point on the West line of the East 735 feet of Lot 6 of the Official Plat of the NW ¼ of Section 9-78-24 that is 80 feet from the South line of the M. & St. L. right of way (measured normal to said right of way line); thence North to the South line of the M. & St. L. right of way; thence NWrly along the South line of the M. & St. L. right of way to the NW corner of said Lot 6; thence South to the place of beginning.

2. The release of such property interests be and is hereby approved.
3. The Mayor is authorized and directed to sign the Releases of Easement for Crossing of Street Maintenance Equipment and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of said Releases of Easement for Crossing of Street Maintenance Equipment to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Releases of Easement for Crossing of Street Maintenance Equipment to the Polk County Recorder's Office for the purpose of causing this document to be recorded.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Releases of Easement for Crossing of Street Maintenance Equipment to Montgomery Properties Corporation.

★ Roll Call Number

Agenda Item Number

15

Date November 9, 2009

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank,
Assistant City Attorney

AW

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

MOTION CARRIED

APPROVED

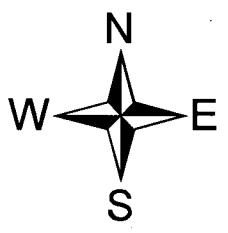
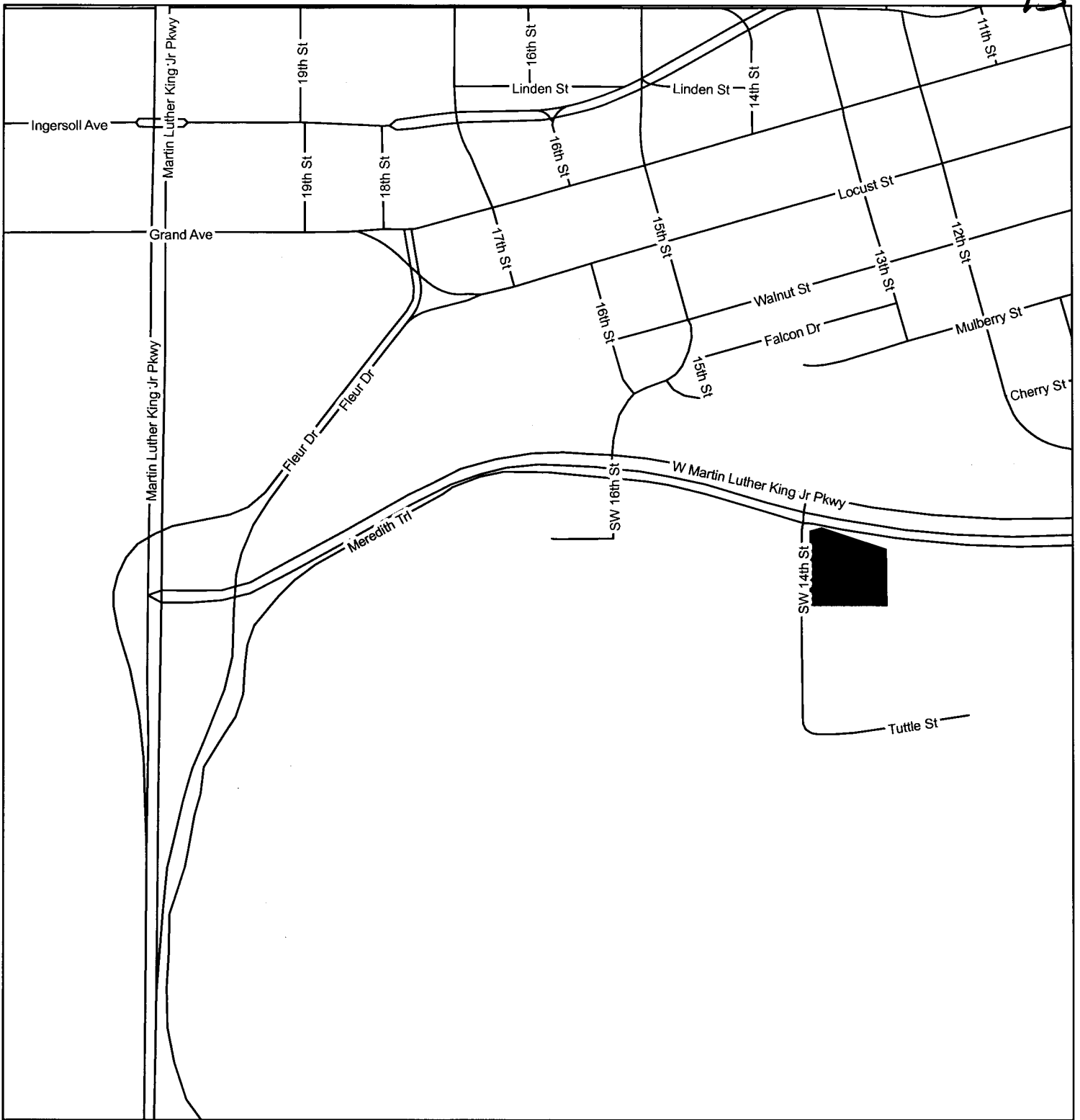
Mayor

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



Legend

 PROJECT LOCATION

**RELEASE OF EASEMENTS FOR CROSSING
OF STREET MAINTENANCE EQUIPMENT
AT 301 SW 14TH STREET**