



**Date** January 28, 2013

**RESOLUTION APPROVING RELEASE OF SANITARY SEWER AND SIDEWALK EASEMENTS WITHIN THE SITE OF THE SOUTHERN MEADOWS HOUSING PROJECT IN THE VICINITY OF 2800 SE 8TH STREET**

WHEREAS, on January 23, 2012, by Roll Call No. 12-0122, the City Council approved the sale of City-owned property in the vicinity of 2800 SE 8th Street to Hatch Development Group, L.L.C., represented by Jack Hatch, for redevelopment with a housing project; and,

WHEREAS, the City-owned property in the vicinity of 2800 SE 8th Street was conveyed to Hatch Development Group, L.L.C., by a Special Warranty Deed that reserved to the City sanitary sewer and sidewalk easements across portions of Lots 5 and 6 in the Final Plat of Southern Meadows; and,

WHEREAS, a Site Plan has now been presented for the redevelopment of the property; and,

WHEREAS, the sanitary sewer and sidewalk easements reserved across portions of Lots 5 and 6 in the Final Plat of Southern Meadows, are not needed for the planned redevelopment of the property in conformance with the proposed Site Plan, and the City Engineer has determined that the easements are no longer needed for a public purpose and can now be released; and,

WHEREAS, the release of the sewer and sidewalk easements reserved across portions of Lots 5 and 6 in the Final Plat of Southern Meadows is needed for the planned construction of the housing project; NOW THEREFORE,

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

1. The City Council hereby finds that the 30' Sanitary Sewer Easement (a) reserved across the East 30 feet of Lot 5 and across a portion of the East 30 feet of Lot 6, in the Final Plat of Southern Meadows, and the 10.00' Public Sidewalk Easement (b) reserved across the western portion of said Lot 5, are no longer needed and may be released.
2. The accompanying *Partial Release of Easement for Sanitary Sewer and Easement for Public Sidewalk*, prepared by the City Legal Department, which releases and discharges portions of the reserved sanitary sewer and public sidewalk easements identified above, is hereby approved.
3. The Mayor is hereby authorized and directed to sign the said *Partial Release of Easement for Sanitary Sewer and Easement for Public Sidewalk* on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.



Date January 28, 2013

- 4. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution, and the original of the *Partial Release of Easement for Sanitary Sewer and Easement for Public Sidewalk* to the Real Estate Division for release to, and recording by, Hatch Development Group, L.L.C.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk