

Date July 13, 2015

RESOLUTION RELEASING EASEMENT FOR SURFACE WATER  
FLOWAGE AT 2401 GANNETT AVENUE AND 7000 SW 22nd STREET

WHEREAS, the properties at 2401 Gannett Avenue and 7000 SW 22nd Street are subject to an *Easement for Surface Water Flowage*, more specifically described below, which was dedicated incident to the platting of Airport Commerce Park Plat 1; and,

WHEREAS, the properties at 2401 Gannett Avenue and 7000 SW 22nd Street were later replatted as Lots 17 and 18, respectively, in Airport Commerce Park South, at which time the surface water flowage was redirected and a new *Storm Sewer and Surface Water Easement* was dedicated to replace the *Easement for Surface Water Flowage*; and,

WHEREAS, the *Easement for Surface Water Flowage* is obstructing the planned expansion of the Eurofins facility at 2200 Rittenhouse Street, and the City staff have confirmed that the easement is no longer needed for any public purpose.

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 there is no public need for the *Easement for Surface Water Flowage* more specifically described below, and the public would not be inconvenienced by reason of the abandonment and release of the easement.
2. The *Easement for Surface Water Flowage*, recorded on January 29, 1996, in Book 7334, at Page 152, for the easement area described below, is hereby abandoned and released.

Easement Area (i), in Airport Commerce Park Plat 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Legal Department for forwarding to and recording by Airport Commerce Park, LC, at its expense.

★ Roll Call Number

Agenda Item Number

16

Date July 13, 2015

-2-

( Council Communication No. 15- )

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

FORM APPROVED:

*Roger K Brown*  
Roger K. Brown  
Assistant City Attorney

U:\Rog Docs\Vacate\Release\Release of utility csmt\RC Release of Esmt - Airport Commerce Park Plat 1.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

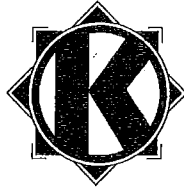
**CERTIFICATE**

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.

\_\_\_\_\_  
Mayor

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



**KNAPP**  
PROPERTIES, INC.

16

June 10, 2015

City of Des Moines  
City Hall  
400 Robert D. Ray Drive  
Des Moines, IA 50309

RE: Request for City of Des Moines to Vacate Overland Flowage Easement recorded in Book 7334, Page 152 of the Polk County, Iowa records.

Dear Honorable Mayor and Council:

On behalf of Airport Commerce Park, LC, which is the owner of Lots 17 and 18 in Airport Commerce Park South, an Official Plat in the City of Des Moines, I write to request that the City of Des Moines formally vacate the Surface Water Flowage Easement recorded in Book 7334, Page 152 and shown as easement "(i)" on the final plat for Airport Commerce Park Plat 1.

The owner is requesting the vacation of the easement because the easement is not required following the owner's grant of the 60 foot Storm Sewer and Surface Water Flowage Easement along the north boundary of the Lots, recorded in Book 8463, Page 603, which easement was recorded in connection with the platting of Airport Commerce Park South.

Sincerely,

Stuart Ruddy  
General Counsel and Secretary  
Knapp Properties, Inc., Property Manager

Enclosure

(02162954)

**RECEIVED**

JUN 17 2015

**CITY MANAGER'S OFFICE**