

Date September 28, 2015

RESOLUTION APPROVING AGREEMENT WITH VISTA TWO PARTNERS, LLC, AS ASSIGNEE OF HALLE PROPERTIES, L.L.C., FOR THE PROVISION OF PUBLIC SANITARY SEWER SERVICE TO PROPERTY OUTSIDE THE CITY OF DES MOINES AT 4300 MERLE HAY ROAD

WHEREAS, the City of Des Moines has received a request from Halle Properties, L.L.C., represented by James Silhasek, Agent, to obtain sewer service to the property it owns at 4300 Merle Hay Road in the City of Urbandale from the public sewer system operated by the City of Des Moines; and,

WHEREAS, the property at 4300 Merle Hay is located upon a portion of the former site of the Bob Brown Chevrolet Dealership which previously obtained sewer service from the City of Des Moines, and the property is proposed to be redeveloped with a Discount Tire business, and

WHEREAS, the City of Urbandale is unable to provide sewer service to this property; and,

WHEREAS, Halle Properties, L.L.C., has assigned its interest in the property at 4300 Merle Hay Road to Vista Two Partners, LLC, a related entity; and,

WHEREAS, the City Manager recommends that such sewer service be provided pursuant to City Code §118-204, upon the terms and conditions set forth in the *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* with Vista Two Partners, LLC, which is on file and available for inspection in the office of the City Clerk.

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

1. The proposed *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* which allows the immediate provision of City sewer service to the property at 4300 Merle Hay Road is hereby approved. The Mayor is hereby authorized and directed to sign the 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 on such document.
2. Upon execution of the Agreement as provided above, the City Clerk is hereby further authorized and directed to forward the Agreement to the Legal Department for release to and recording by Vista Two Partners, LLC.

(Council Communication No. 15-528)

(continued)

★ **Roll Call Number**

Agenda Item Number

Ex. 1

Date September 28, 2015

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MOVED by _____ to adopt.

Sponsored by Council Member Bill Gray.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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