

Date April 11, 2016

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF PERPETUAL PUBLIC INGRESS AND EGRESS EASEMENT RESERVATION OVER A PORTION OF VACATED ALLEY RIGHT-OF-WAY FOR THE PROPERTY AT 927 8<sup>TH</sup> STREET FOR \$1000**

**WHEREAS**, on February 12, 2001, by Roll Call No. 01-442, the City Council of the City of Des Moines, Iowa, approved the vacation and conveyance of the north/south alley right-of-way in the block bounded by 7<sup>th</sup>, 8<sup>th</sup>, School and Crocker Streets (City Right-of-Way) to Dynasty Properties, L.L.C., 941 8<sup>th</sup> Street, for \$12,700.00; to Beckley Properties, L.L.C., 901 8<sup>th</sup> Street, for \$3,700.00; and to Hosier, Inc., 927 8<sup>th</sup> Street, for 4,600.00; and

**WHEREAS**, on February 12, 2001, the City of Des Moines, Iowa, executed a Quit Claim Deed conveying the City Right-of-Way to Hosier, Inc.; said Quit Claim Deed being subsequently recorded in the office of the Recorder of Polk County, Iowa, on April 26, 2001 in Book 8791, Page 995, and containing the reservation by City of a perpetual public ingress and egress easement for pedestrian and vehicular access purposes; and

**WHEREAS**, Hubbell Realty Company, successor in interest to 927 8<sup>th</sup> Street, has agreed to pay the City One Thousand Dollars (\$1,000.00) for the release of the perpetual public ingress and egress easement from the portion of City Right-of-Way adjoining 927 8<sup>th</sup> Street, which amount is equal to the estimated fair market value of the easement release, as determined by the City's Real Estate Division; and

**WHEREAS**, All adjoining property owners have consented to the release for that portion of the public ingress and egress easement adjoining 927 8<sup>th</sup> Street, and the City has no other need to retain that portion of the perpetual public ingress and egress easement adjoining 927 8<sup>th</sup> Street as described below.

**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 interest described below and the public would not be inconvenienced by reason of the release of the City's perpetual public ingress and egress easement reservation over the property specifically described as follows:

The West ½ of the vacated North/South alley right-of-way lying East of and adjoining Lots 14 and 15, George Sner's Subdivision of Division 4 of Grimmels Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(VACATED BY ORDINANCE NO. 13,920, PASSED February 12, 2001.)

2. The release of such City perpetual public ingress and egress easement reservation be and is hereby approved.

★ **Roll Call Number**

**Agenda Item Number**

15

.....  
**Date** April 11, 2016

3. The Mayor is authorized and directed to sign the Release of Perpetual Public Ingress and Egress Easement, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Release of Perpetual Public Ingress and Egress Easement, together with a certified copy of this resolution, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Perpetual Public Ingress and Egress Easement, together with a certified copy of this resolution, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Release of Perpetual Public Ingress and Egress Easement to the grantee.
7. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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15

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(Council Communication No. 16- 197)

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

APPROVED AS TO FORM:

*Lisa A. Wieland*  
Lisa A. Wieland, Assistant City Attorney

*RW*

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

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

\_\_\_\_\_  
Mayor