

Date May 9, 2016

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF SEWER RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT INTERESTS IN PORTIONS OF 3025 OXFORD STREET**

**WHEREAS**, the City of Des Moines, Iowa (“City”) acknowledges certain sewer right-of-way and public utility easement interests granted to the City, as listed below (collectively “Easements”), in portions of the property located at 3025 Oxford Street, Des Moines, Polk County, Iowa:

- 1) Easement for Sewer Right-of-Way bearing the date of June 23, 1971, and recorded in the office of the Recorder of Polk County Iowa in Book 4226, Page 454 on June 24, 1971;
- 2) Easement for Sewer Right-of-Way bearing the date of September 27, 1941, and recorded in the office of the Recorder of Polk County Iowa, in Book 1625, Page 509 on September 29, 1941;
- 3) Easement for Sewer Right-of-Way bearing the date of September 8, 1941, and recorded in the office of the Recorder of Polk County, Iowa, in Book 1625, Page 532 on September 29, 1941;
- 4) Public Utility Easement reserved in Vacation Ordinance No. 8145, passed by the City Council of the City of Des Moines, Iowa on April 5, 1971; and

**WHEREAS**, if the owner of 3025 Oxford would grant the City a Permanent Easement for Storm Sewer Right-of-Way, then there is no public need for the sewer right-of-way and public utility easement interests described herein and the public would not be inconvenienced by reason of the release of said Easements; and

**WHEREAS**, the Des Moines Independent Community School District, the current owner of 3025 Oxford Street, has granted the City a Permanent Easement for Storm Sewer Right-of-way in exchange for the release of said Easements.

**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 sewer right-of-way and public utility easement interests described herein and the public would not be inconvenienced by reason of the release of the Easements in the property specifically described as follows:

A 20 FOOT STRIP OF GROUND ACROSS LOT 21 AND LOT 22, BLOCK 26, AUBURN HEIGHTS CENTER LINE OF WHICH LIES AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 21, BLOCK 26, AUBURN HEIGHTS; THENCE ON A DIRECT LINE TO A POINT ON THE WEST LINE 20 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 21, BLOCK 26 AUBURN HEIGHTS.



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AND

THE SOUTH TWENTY (20) FEET OF LOT TWO (2), BLOCK TWENTY-SIX (26), AUBURN HEIGHTS ADDITION, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES.

AND

A TEN (10) FOOT STRIP OF GROUND ACROSS LOT 20, BLOCK 26, AUBURN HEIGHTS, THE CENTER LINE OF WHICH LIES AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE, THIRTY-FOUR (34) FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 20; THENCE ON A DIRECT LINE TO A POINT ON THE EAST LINE FIVE (5) FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 20, BLOCK 26, AUBURN HEIGHTS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF S MOINES.

AND

ALL THAT PART OF THE 16 FOOT WIDE NORTH-SOUTH ALLEY THAT LIES WEST OF AND ADJOINS THE WEST LINE OF LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 26 AUBURN HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

2. The release of such Easements be and is hereby approved.
3. The Mayor is authorized and directed to sign the Release of Easements, 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 the Release of Easements, 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 Easements, 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 Easements to the Des Moines Independent Community School District.
7. There are no proceeds associated with this transaction.

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

APPROVED AS TO FORM:

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

*BW*

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



**EXHIBIT A**

**E Tiffin Ave**

**Oxford St**

**Cambridge St**

**Legend**

-  NEW EASEMENT AREA
-  EASEMENT AREAS TO BE RELEASED

