

Date August 8, 2016

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY ON CITY PROPERTY LOCATED AT 7401 SW 9<sup>TH</sup> STREET**

**WHEREAS**, the City of Des Moines, Iowa (“City”), is the owner of the real property located at 7401 SW 9th Street, in Des Moines, Iowa, a portion of which is currently being leased to the Blank Park Zoo Foundation, Inc.; and

**WHEREAS**, Fort Des Moines Restoration, LLC, an Iowa limited liability company, in accordance with the terms set forth in the Urban Renewal Development Agreement between the City and Fort Des Moines Restoration, LLC filed for record on March 12, 2015, at Book 15496, Page 980 in the office of the Polk County Recorder and any amendments thereto (“Development Agreement”), has requested a Permanent Easement for Public Pedestrian Way over, through, and across a portion of said City-owned property located at 7401 SW 9<sup>th</sup> Street in order to construct and maintain a public pedestrian way, as legally described below (“Easement Area”); and

**WHEREAS**, the City’s Real Estate Division has negotiated a Permanent Easement for Public Pedestrian Way to Fort Des Moines Restoration, LLC in consideration of Fort Des Moines Restoration, LLC’s undertakings pursuant to said Development Agreement; and

**WHEREAS**, the Blank Park Zoo Foundation, Inc. has provided its consent to the Permanent Easement for Public Pedestrian Way, and the City will not be inconvenienced by the conveyance of the proposed Permanent Easement for Public Pedestrian Way to Fort Des Moines Restoration, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to approve and grant the Permanent Easement for Public Pedestrian Way over, through, and across a portion of City-owned property located at 7401 SW 9<sup>th</sup> Street, legally described as follows, to Fort Des Moines Restoration, LLC in consideration of Fort Des Moines Restoration, LLC’s undertakings pursuant the Urban Renewal Development Agreement between the City and Fort Des Moines Restoration, LLC filed for record on March 12, 2015, at Book 15496, Page 980 in the office of the Polk County Recorder and any amendments thereto:

The Northerly twenty-three feet (23’) of Parcel ‘B’ and the Northerly twenty-three feet (23’) of the Easterly four hundred five feet (405’) of Parcel ‘A’, both as described on the Plat of Survey filed on October 23, 1998 as Instrument No. 036385 in Book 8041, Page 37 in the records of the Polk County Recorder.

2. A public hearing will be held on August 22, 2016, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

★ **Roll Call Number**

Agenda Item Number


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3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
4. There are no proceeds associated with this transaction.

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

APPROVED AS TO FORM:

  
 Lisa A. Wieland, Assistant City Attorney

*RSW*

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

MOTION CARRIED APPROVED

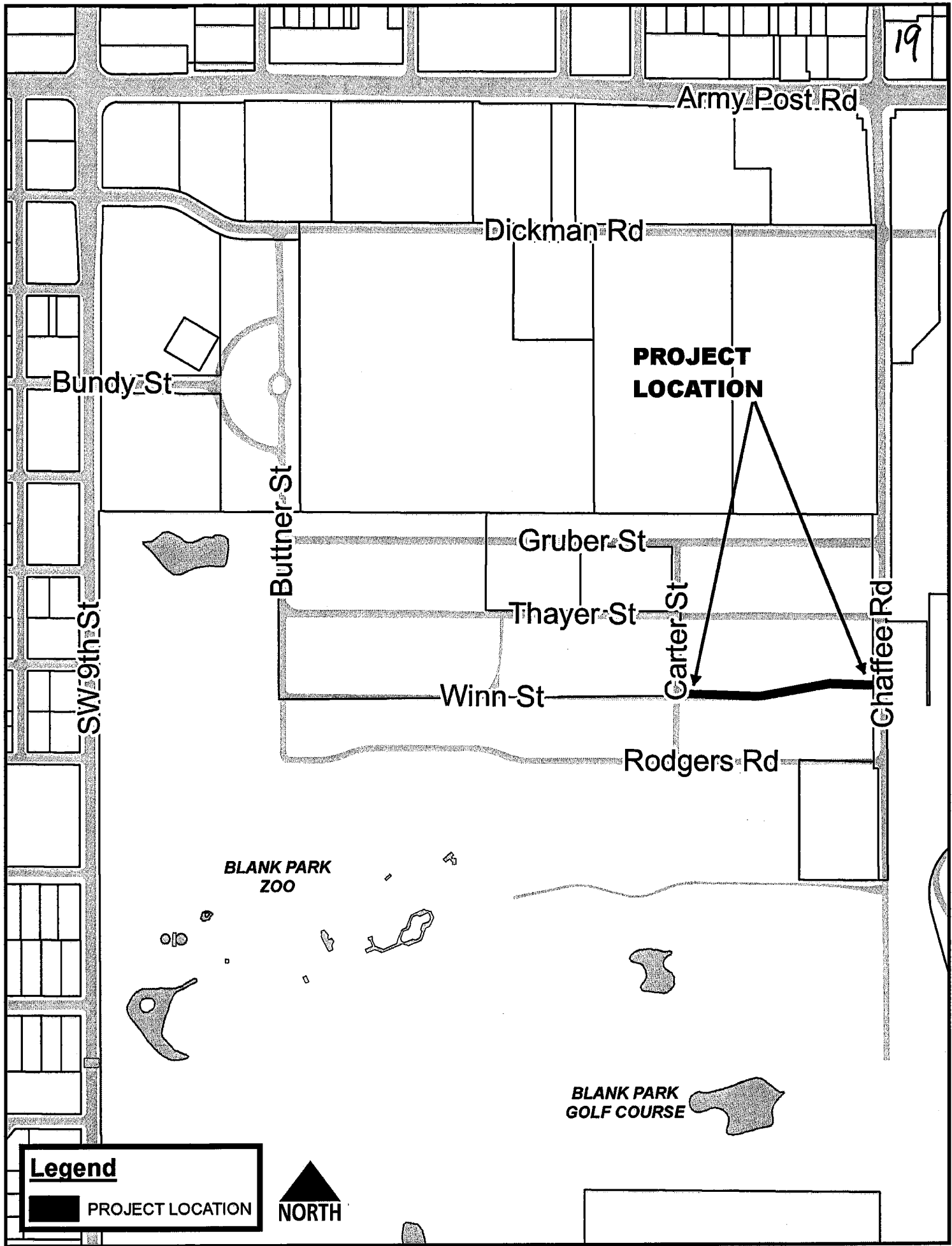
\_\_\_\_\_  
 Mayor

**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



**PROJECT  
LOCATION**

Bundy St

Dickman Rd

Army Post Rd

Buttner St

Gruber St

Thayer St

Winn St

Rodgers Rd

Carter St

Chaffee Rd

S.W. 9th St

BLANK PARK  
ZOO

BLANK PARK  
GOLF COURSE

**Legend**  
PROJECT LOCATION

