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Date August 22, 2016

HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY ON CITY PROPERTY LOCATED AT 7401 SW 9TH 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 City-owned property located at 7401 SW 9th 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.

WHEREAS, on August 8, 2016, by Roll Call No. 16- 1306, it was duly resolved by the City Council that consideration of the proposed conveyance of a Permanent Easement for Public Pedestrian Way be set down for hearing on August 22, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey said Permanent Easement for Public Pedestrian Way was given as provided by law, setting forth the time and place for hearing on the proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed Permanent Easement for Public Pedestrian Way, both for and against, have been given an opportunity to be heard and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a Permanent Easement for Public Pedestrian Way from the City of Des Moines,



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Iowa, to Fort Des Moines Restoration, LLC, as described below, are hereby overruled and the hearing is closed.

2. The public would not be inconvenienced by reason of the City of Des Moines, Iowa, granting a Permanent Easement to Fort Des Moines Restoration, LLC, in consideration of Fort Des Moines Restoration, LLC's undertakings pursuant to 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, as on file in the office of the City Clerk, across a portion of City-owned property located at 7401 SW 9th Street, legally described as follows, for the purpose of constructing and maintaining a public pedestrian way, and said Permanent Easement for Public Pedestrian Way is hereby approved:

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.

3. The Mayor is authorized and directed to sign the Permanent Easement identified above, 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 Permanent Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing the documents to be recorded.

5. Upon receipt of the recorded documents from the Polk County Recorder, the Real Estate Division Manager is authorized and directed to mail the original of the Permanent Easement for Public Pedestrian Way and copies of the other documents to Fort Des Moines Restoration, LLC.

6. 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

rsn

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

MOTION CARRIED

APPROVED

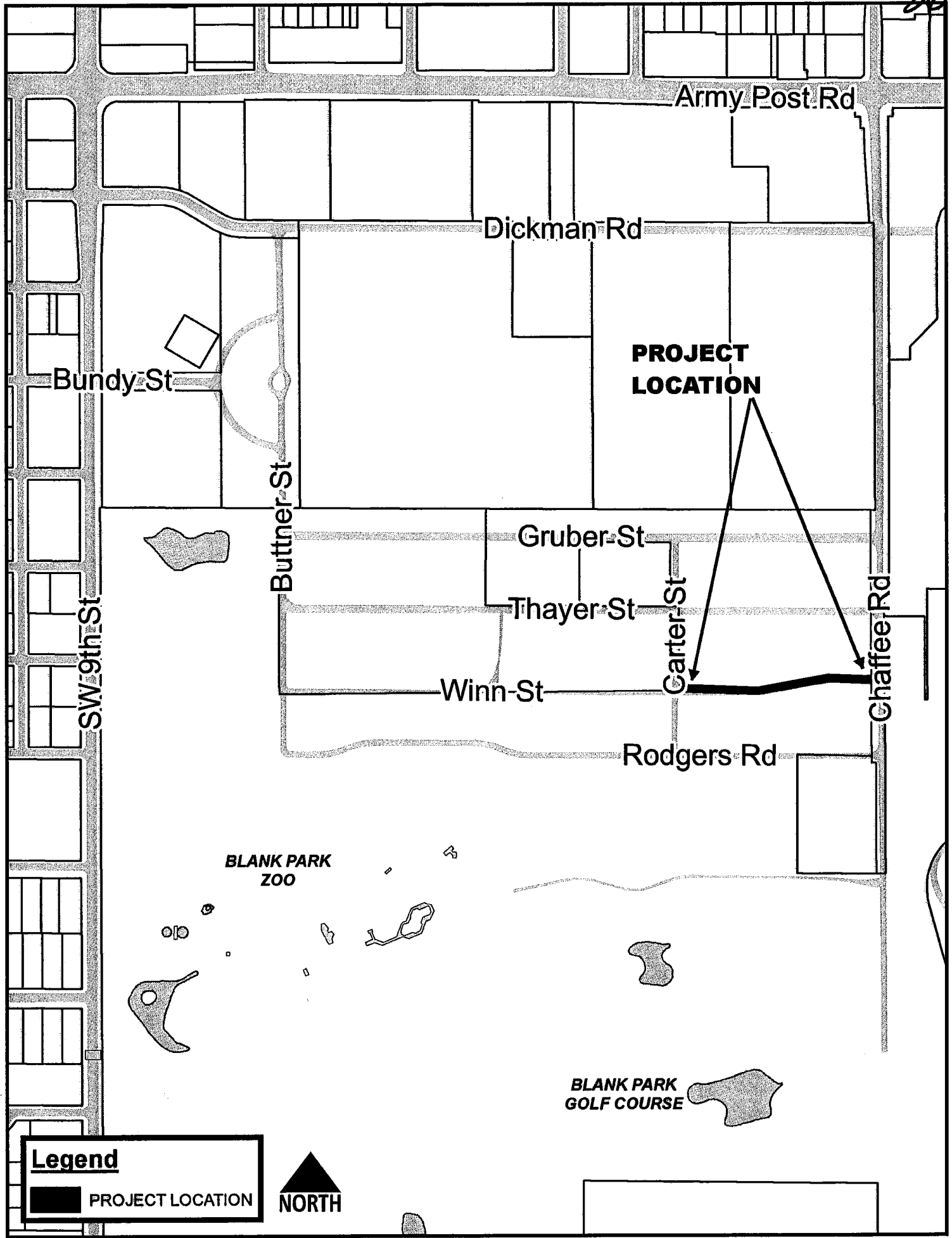
Mayor

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



Legend

PROJECT LOCATION



NORTH