

Date October 9, 2017

**RESOLUTION TO APPROVE AND ACCEPT A PERMANENT EASEMENT  
FOR PUBLIC PEDESTRIAN WAY ACROSS PROPERTY LOCATED AT  
103 SW 3<sup>RD</sup> STREET FROM CONFLUENCE ON THIRD LLC**

**WHEREAS**, on October 12, 2015, by Roll Call No. 15-1733, the City Council approved an Urban Renewal Development Agreement with Confluence on Third LLC for Multi-Family Residential Housing at 123 3<sup>rd</sup> Street and 106 and 112 SW 2<sup>nd</sup> Street, now known as 103 SW 3<sup>rd</sup> Street; and

**WHEREAS**, the City needs to acquire additional property rights from Confluence on Third LLC to accommodate a wider pedestrian way along SW 2<sup>nd</sup> Street, SW 3<sup>rd</sup> Street, and Vine Street adjoining the property at 103 SW 3<sup>rd</sup> Street; and

**WHEREAS**, Confluence on Third LLC has offered to sell a Permanent Easement for Pedestrian Way along SW 2<sup>nd</sup> Street, SW 3<sup>rd</sup> Street, and Vine Street adjoining the property at 103 SW 3<sup>rd</sup> Street to the City for \$73,719.00, which price reflects the fair market value of said easement interest as determined by the City's Real Estate Division.

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

That the attached documents conveying property interests, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and are hereby approved and accepted as follows:

Title Holder:	Confluence on Third LLC
Property Location:	103 SW 3 <sup>rd</sup> Street, Des Moines, IA 50309
Document Type:	Permanent Easement for Public Pedestrian Way
Consideration:	\$ 73,719.00
Legal Description:	

THE NORTHERLY 5.00 FEET, THE EASTERLY 4.50 FEET, AND THE WESTERLY 0.50 FEET OF BLOCK 29, FORT DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 2642.25 SQUARE FEET.

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out this transaction and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; and the Real Estate Division Manager is authorized

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and directed to obtain the checks, if any, needed to carry out these transactions and to deliver them to the payees.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all appropriate documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Easement the approval and acceptance of this Council and is further authorized to deliver said Easement to the Real Estate Division Manager, who shall record the Easement and other documents as required to clear title.

Council Communication No. 17- 718

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

APPROVED AS TO FORM:

  
 Lisa A. Wieland, Assistant City Attorney

*RN*

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

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