



Date June 29, 2026

**RESOLUTION HOLDING PUBLIC HEARING AND AUTHORIZING RELEASE OF A
TEMPORARY STORMWATER FACILITY EASEMENT GENERALLY LOCATED
WITHIN LOT 1 OF THE CREEK AT ECHO VALLEY PLAT 1**

WHEREAS, Iowa Code § 364.7 authorizes that a city may dispose of an interest in real property after a public hearing has been held following notice published pursuant to Iowa Code § 362.3; and

WHEREAS, the City of Des Moines, Iowa (the “City”) wishes to release its interest in a Temporary Stormwater Facility Easement (the “Temporary Easement”) that is generally located within Lot 1 of the Creek at Echo Valley Plat 1, which is legally described as follows:

A PART OF THE NORTHEAST FRACTIONAL QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, THE CREEK AT ECHO VALLEY PLAT 1, AN OFFICIAL PLAT IN SAID CITY OF DES MOINES; THENCE NORTH 81°35’11” EAST ALONG THE SOUTHERLY LINE OF SAID THE CREEK AT ECHO VALLEY PLAT 1, A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER OF SAID THE CREEK AT ECHO VALLEY PLAT 1; THENCE SOUTH 87°33’11” EAST, 53.77 FEET; THENCE SOUTH 24°19’05” EAST, 87.83 FEET; THENCE SOUTH 11°46’28” WEST, 40.66 FEET; THENCE SOUTH 55°04’17” WEST, 40.66 FEET; THENCE SOUTH 77°57’31” WEST, 20.00 FEET; THENCE NORTH 60°22’39

WEST, 43.62 FEET; THENCE NORTH 13°08’18” WEST, 53.73 FEET; THENCE NORTH 39°48’13” WEST, 52.07 FEET; THENCE NORTH 09°39’20” WEST, 27.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.34 ACRES (14,807 SQUARE FEET).

(the “Easement Area”), as established by that certain Temporary Stormwater Facility Maintenance Agreement and Temporary Easement recorded on February 8, 2023, as Instrument # 2023-00862 in the records of the Recorder of Warren County, Iowa; and

WHEREAS, the Easement was acquired by the City from United Properties Investment Company, L.C. (“Grantor”) for the temporary purpose of constructing, installing, and/or maintaining a temporary stormwater management facility, and was, by its terms, limited in duration to the period reasonably necessary to complete a permanent stormwater management facility; and



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WHEREAS, a permanent stormwater management facility has been substantially completed and the City has determined the Temporary Easement is no longer necessary for the temporary purpose for which it was granted; and

WHEREAS, the City Council has determined that it is in the best interest of the City to release the City's interest in the Temporary Easement; and

WHEREAS, pursuant to Iowa code § 362.3 and 364.7, notice of the proposed release of the City's interest in the Temporary Easement and of a public hearing thereon was published in the Des Moines Register, a newspaper of general circulation within the City, on June 17, 2026, being not less than four (4) nor more than twenty (20) days before the date set for hearing; and

WHEREAS, pursuant to said notice, the City Council convened a public hearing on the proposed release of the Temporary Easement on June 29, 2026, at 5:00 p.m., in the Council Chambers, City Hall, 1200 Locust Street, Des Moines, Iowa, at which time all persons desiring to be heard for or against the proposed release were given a full and fair opportunity to be heard; and

WHEREAS, at the conclusion of said public hearing, the City Council finds that the statutory requirements of Iowa Code Sections 362.3 and 364.7 have been satisfied and that the proposed release of the Temporary Easement should be approved.

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

1. Upon due consideration of the facts, and any and all statements or objections of interested persons to the proposed release of the Temporary Easement are hereby overruled, and the hearing is closed.
2. The proposed release of the Temporary Easement, as legally described above, is hereby approved.
3. The City Manager is authorized to sign the easement vacation document, and the City Clerk is directed to record the document with the Warren County Recorder's Office following execution by the City Manager.

Moved by _____ to adopt.

Second by _____.



Roll Call Number

Agenda Item Number

58

Date June 29, 2026

APPROVED AS TO FORM:

/s/ Emily A. Duffy

Emily A. Duffy
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, Laura Baumgartner, 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