

Date February 25, 2008

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**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF EASEMENT FOR STORM SEWER RIGHT-OF-WAY FOR PROPERTY LOCATED IN THE VICINITY OF EAST 33<sup>RD</sup> STREET AND DUBUQUE AVENUE**

**WHEREAS**, on January 28, 2008, by Roll Call No. 08-155, the City Council of the City of Des Moines, Iowa accepted real estate documents, including a storm sewer right-of-way easement (“replacement easement”), for property located in the vicinity of East 33<sup>rd</sup> Street and Dubuque Avenue from Habitat for Humanity, Inc. as part of the development process; and

**WHEREAS**, Habitat for Humanity, Inc. will be relocating the storm sewer on said property as a part of the development and has requested that the existing storm sewer right-of-way easement, as granted to the City of Des Moines and recorded in 1957 (“existing easement”), be released by the City of Des Moines and replaced with the replacement easement accepted by the City Council on January 28, 2008 as described above; and

**WHEREAS**, the City will have no need for the existing easement upon this specific property due to the acceptance of the replacement easement, and it is in the City’s best interests to release said existing easement in exchange for acceptance of the replacement easement.

**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 property interest described below and the public would not be inconvenienced by reason of the release of this Permanent Easement for Storm Sewer Right-of-Way specifically described as follows:

A 20 foot strip of ground across Lots 33 and 34, Block A, Gray Heights, the center line of said strip of ground being described as follows: Beginning at a point on the south line of said Lot 33, 16 feet East of the southwest corner thence on a straight line to a point on the easterly line of said Lot 34, 110 feet north of the southeast corner; also the North 20 feet of the South 55 feet of said Lot 34, Block A, Gray Heights, in the City of Des Moines, Polk County, Iowa.

As recorded in the Office of the Recorder of Polk County, Iowa on July 26, 1957, in Book 2970, Page 29.

2. The release of such property interest be and is hereby approved.

3. The Mayor is authorized and directed to sign the Release of Easement for Sanitary Sewer Right-Of-Way and the City Clerk is authorized and directed to attest to the Mayor's signature.

★ Roll Call Number

08-293

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4. The City Clerk is authorized and directed to forward the original of this Release of Easement to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Easement to the Polk County Recorder's Office for the purpose of causing this document 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 Easement to the grantee.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

rcw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

Y. M. Franklin 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.

Diane Rauh City Clerk