★ **Roll Call Number**
08-294

Agenda Item Number
14

Date February 25, 2008

RESOLUTION AUTHORIZING AND APPROVING RELEASE OF EASEMENT FOR STORM SEWER RIGHT-OF-WAY AND ACCEPTING REAL ESTATE DOCUMENTS FOR PROPERTY LOCATED AT 2526 62ND STREET FROM CHRIS AND DAWN VANDELL FOR $1

WHEREAS, the property owners identified below desire to construct a new garage, which requires the relocation of the existing storm sewer; and

WHEREAS, the City has requested and received a new storm sewer easement ("replacement easement") from the property owners; and

WHEREAS, the City will have no need for the existing storm sewer easement upon this specific property due to the acceptance of the replacement easement, and it is in the City's best interest to release said existing easement; and

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

1. The attached document conveying the replacement storm sewer easement, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and is hereby approved and accepted as follows:

Property Owner:	Chris and Dawn Vandell
Property Location:	2526 62nd Street
Document Type:	Permanent Easement for Storm Sewer
Consideration:	$ 1.00 plus closing costs

2. 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 Twenty (20) foot strip of ground across Lot 80, Good Hope, the center line of said strip being described as follows: Beginning at a point on the south line 22 feet west of the southeast corner of said Lot 80, thence to a point on the north line 58 feet west of the northeast corner of said Lot 80, Good Hope.

and recorded in the office of the Recorder of Polk County, Iowa on August 20, 1956, in Book 2909, Pages 233-234, is hereby released.

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

Date February 25, 2008

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.

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 documents 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 these documents to be recorded.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Release of Easement to the grantees

7. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out these transactions and to deliver them to the payees.

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

9. 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 and directed to deliver the said Easement to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
Glenna K. Frank,
Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

T. M. Franklin Cownie
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