

★ Roll Call Number

09-537

Agenda Item Number

21

Date April 6, 2009

RESOLUTION AUTHORIZING AND APPROVING RELEASE OF DEED RESTRICTIONS FOR THE EAST/ WEST ALLEY LYING SOUTH OF AND ADJOINING 212 4TH STREET

WHEREAS, on January 5, 1987, by Roll Call No. 22, the City Council approved the sale and conveyance of the right-of-way of the East/West alley lying South of and adjoining 212 4th Street to Joseph M. Coppola, Sr. for \$7,840, which amount represented a reduction of the fair market value of the alley due to deed restrictions and easement reservations per agreement between the City and the buyer; and

WHEREAS, Randolph Investment Company is the current owner of 212 4th Street and the East/West alley lying South of and adjoining 212 4th Street; and

WHEREAS, Randolph Investment Company has requested and agreed to pay the additional amount of \$7,840 in order that the deed restrictions and easement reservation for utilities upon said property, as described in the Quit Claim Deed recorded in the office of the Recorder of Polk County, Iowa on January 9, 1987, in Book 5672, Pages 008-009, be released by the City of Des Moines; and

WHEREAS, the City has no known current or future need for the deed restrictions or existing easement reservation upon this specific property.

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 deed restrictions or reserved utility easement encumbering the property previously conveyed by the City, the public would not be inconvenienced by reason of the release of said restrictions or easements, and the release of said restrictions and reserved utility easement in said property, being specifically described as follows, is hereby approved:

All of the right-of-way of the East/West alley lying South of and adjoining Lot 9, Block 21, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 10,905, December 1, 1986.)

2. The Mayor is authorized and directed to sign the Release of Utility Reservation and the City Clerk is authorized and directed to attest to the Mayor's signature.

3. The City Clerk is authorized and directed to forward the original of this Release of Utility Reservation to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.

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4. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Utility Reservation to the Polk County Recorder's Office for the purpose of causing this document to be recorded.

5. 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 Utility Reservation to the property owner.

(Council Communication No. 09- 211)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

T. 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