



Roll Call Number

09-1858

Agenda Item Number

29

Date October 12, 2009

RESOLUTION APPROVING MELBOURNE CONDOMINIUMS STORMWATER FACILITIES MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT

WHEREAS, Hubbell Realty Company and Melbourne Apartments I, LLLP, hereinafter referred to as the "Owners", have applied for City approval of a Site Plan for land in the vicinity of 5525 S.E. 14th Street; and,

WHEREAS, incident to the City's review and approval of the Site Plan, the Owners are required to provide for the control of stormwater runoff from the proposed development; and,

WHEREAS, the Owners have agreed to operate and maintain certain stormwater management facilities in accordance with a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement which is on file and available for public inspection in the office of the City Clerk; and,

WHEREAS, the City Engineer recommends that the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement be approved and accepted by the City; NOW, THEREFORE,

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

- 1. The Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement with Owners, which is on file in the office of the City Clerk, is hereby approved.
2. The Mayor is hereby authorized and directed to sign the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
3. The City Clerk is further directed to forward the executed document to the Real Estate Division for release to and recording by the Owners.

APPROVED AS TO FORM:

Moved by Mahaffey to adopt.

Signature of Michael F. Kelley, Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (7).

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.

Signature of Mayor T. M. Franklin

Signature of Diane Rauh, City Clerk