



Roll Call Number

09-2098

Agenda Item Number

17

Date November 23, 2009

RESOLUTION APPROVING STORMWATER MANAGEMENT FACILITIES MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT WITH THE IOWA ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES FOR PROPERTY LOCATED AT 855 EAST COURT AVENUE

WHEREAS, the Iowa Association of Community College Trustees, represented by Connie Hornbeck, President, is constructing a new office building at 855 E. Court Avenue that will utilize and benefit from private stormwater management facilities to control and address stormwater runoff from the property; and,

WHEREAS, the Iowa Association of Community College Trustees has executed a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement in the standard form regarding the future maintenance and operation of the private stormwater management facilities, which is on file and available for public inspection in the office of the City Clerk; and,

WHEREAS, the purpose of the Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement is to assure the City that the stormwater management facilities will be maintained in accordance with the approved plans at the expense of the benefited property owners, to prevent uncontrolled runoff from damaging downstream properties and to assure that the quality of the water running off the property and into the City's stormwater management system does not cause the City's system to be in violation of federal and state requirements.

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 the Iowa Association of Community College Trustees is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the agreement on behalf of the City of Des Moines.
2. The City Clerk shall forward the executed agreement to the Real Estate Division for recording by, or at the expense of the Iowa Association of Community College Trustees.

( continued )

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MOVED by Coleman to adopt.

FORM APPROVED:

Roger K Brown  
Roger K. Brown,  
Assistant City Attorney

*RCW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
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