



Roll Call Number

10-261

Agenda Item Number

18

Date

February 22, 2010

**RESOLUTION APPROVING PARTIAL RELEASE OF
PERMANENT CONSERVATION EASEMENT**

WHEREAS, on July 23, 2007, by Roll Call No. 07-1397, the City Council approved the subdivision plat titled Sawyer's Landing Plat 2, located in the vicinity of Twana Drive and 29th Street, to be developed by Sawyer's Landing, L.L.C., represented by Ted Grob, Manager; and,

WHEREAS, the City required the dedication of a Permanent Conservation Easement upon portions of Sawyer's Landing Plat 2 for the purpose of protecting the easement area from grading and the placement of structures, and to protect the large trees then existing within the easement area; and,

WHEREAS, Sawyer's Landing, L.L.C., has requested that the Permanent Conservation Easement be released upon the portion of the easement area described below because the large trees within that area were removed by the City for the construction of a new public storm sewer line that was intended to resolve existing drainage problems in the neighborhood; and,

WHEREAS, the Community Development Director recommends approval of the request;
NOW THEREFORE,

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

1. That the Partial Release of Permanent Conservation Easement prepared by the Legal Department, which releases the following described area from the Permanent Conservation Easement recorded on August 8, 2007, in Book 12323, at Page 493, in the office of the Polk County Recorder, is hereby approved.

That portion of the Permanent Conservation Easement Area (c) consisting of the West 30.0 feet of Lot 67, in Sawyer's Landing Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The Mayor is hereby authorized and directed to sign the Partial Release on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
3. The City Clerk is hereby further directed to forward the executed Partial Release with a certified copy of this resolution to the Legal Department for release to and recording by Sawyer's Landing, L.L.C.

(continued)

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(Council Communication No. 10- 084)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 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