

★ Roll Call Number
10-1227

Agenda Item Number
36

Date July 26, 2010

RESOLUTION ACCEPTING STORMWATER MANAGEMENT AGREEMENT
REQUIRED FOR CITY APPROVAL OF A SITE PLAN FOR
3325 AND 3355 E. DOUGLAS AVENUE

WHEREAS, Mainstream Living, Inc., represented by Reinhold Berg, Chief Executive Officer, and Brady Real Estate, L.L.C., represented by Kent Brady, Manager, seek City approval of a site plan for the redevelopment of property at 3325 and 3355 E. Douglas Avenue; and,

WHEREAS, the Community Development Director has conditionally approved the Site Plan pursuant to Section 82-208 of the City Site Plan Regulations, subject to the property owners executing a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement (herein referred to as the "Stormwater Management Agreement") to provide for the construction and future maintenance of the required stormwater management facilities at the sole expense of the property owners; and,

WHEREAS, Mainstream Living, Inc., and Brady Real Estate, L.L.C., have executed a Stormwater Management Agreement prepared by the City Legal Department, which is on file and available for public inspection in the office of the City Clerk; NOW THEREFORE,

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

1. The Stormwater Management Agreement is hereby approved and accepted.
2. The Mayor is hereby authorized and directed to sign the Stormwater Management 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 Stormwater Management Agreement to the Real Estate Division for recording.

MOVED by Hensley to adopt.

Council Communication No. 10-

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney

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