



Roll Call Number

10-1565

Agenda Item Number

35

Date September 27, 2010

RESOLUTION RELEASING EASEMENT FOR PUBLIC UTILITIES

WHEREAS, John F. Mauro, as President of South View Senior Apartments, L.L.L.P, has requested that the City release a 5' wide Public Utility Easement upon a portion of its property at 1900 SE 6th Street which is to be redeveloped for senior housing; and,

WHEREAS, the City has received an Affidavit from Richard H. Baumhover, a Professional Land Surveyor, verifying that there are no functioning public utility services within such Public Utility Easement; and,

WHEREAS, the City staff have confirmed that there are no City storm or sanitary sewers within the reserved utility easement; NOW THEREFORE,

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

1. The City Council hereby finds that the Public Utility Easement more specifically described as follows, no longer needed and may be released.

The 5' Public Utility Easement located on and along the southwest line of Lots 1, 2 and 3, in Boyd's Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, as more specifically shown on the said final plat of Boyd's Place.

2. The accompanying *Release of Public Utility Easement* prepared by the City Legal Department, which releases and discharges the Public Utility Easement described above hereby approved.
3. The Mayor is hereby authorized and directed to sign the said *Release of Public Utility Easement* on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
4. The City Clerk is hereby authorized and directed to release a certified copy of this resolution, and the original of the *Release of Public Utility Easement* to South View Senior Apartments, L.L.L.P, for recording by it at its expense.

(continued)

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MOVED by Moore 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	6			1

MOTION CARRIED

APPROVED

T. M. Franklin Cooney
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