

★ Roll Call Number

11-1117

Agenda Item Number

33

Date June 27, 2011

APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT AND COVENANT REGARDING THE CONSTRUCTION OF A PRIVATE SEWER SERVICE IN LIEU OF CONSTRUCTING A PUBLIC SANITARY SEWER EXTENSION BY AND BETWEEN THE CITY OF DES MOINES AND TERRY T. BAAL AT 2800 STANTON AVENUE

WHEREAS, the City maintains and operates a sanitary sewer in the right-of-way of Stanton Avenue immediately east of property owned by Terry T. Baal at 2800 Stanton Avenue; and

WHEREAS, Mr. Baal wishes to construct a private sewer service in Stanton Avenue to make a long distance connection from his single-family residence to the present sanitary sewer, said long distance sanitary sewer service to be constructed in lieu of extending the public sanitary sewer across the entire 225-foot frontage of the property at 2800 Stanton Avenue; and

WHEREAS, City staff and Mr. Baal have negotiated the terms of an Agreement and Covenant Regarding the Construction of a Private Sewer Service in lieu of Constructing a Public Sanitary Sewer Extension, pursuant to which Mr. Baal has agreed, should the City decide to extend the sanitary sewer across the frontage of his property, to pay a proportional share of any future assessed sanitary sewer extension that would benefit other properties, to abandon his long distance sanitary sewer service, and to connect to the sanitary sewer extension if so directed by the City; and

WHEREAS, this City Council has been advised and does believe that it would be in the best interests of the City to approve and authorize execution of said Agreement and Covenant Regarding the Construction of a Private Sewer Service in lieu of Constructing a Public Sanitary Sewer Extension.

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NOW THEREFORE BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the Agreement and Covenant Regarding the Construction of a Private Sewer Service in lieu of Constructing a Public Sanitary Sewer Extension, by and between the City and Terry T. Baal, a copy of which is now on file in the office of the City Clerk, be and the same is hereby approved as to form and content.
2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.
3. That the City Clerk be and is hereby authorized and directed to record said Agreement with the Polk County Recorder's Office.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
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