

★ Roll Call Number

11-1878

Agenda Item Number

31

Date November 7, 2011

RESOLUTION RELEASING EASEMENT FOR PUBLIC UTILITIES  
AT 1264 CUMMINS ROAD

WHEREAS, Des Moines Leased Housing Associates VIII, LP, has requested that the City release a 10' Public Utility Easement upon a portion of its property at 1264 Cummins Road which is proposed to be redeveloped with garages to serve the apartments on the property; and,

WHEREAS, the City has received an Affidavit from Timothy D. Larson, a Professional Land Surveyor, verifying that there are no functioning public utility services within such 10' 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 10' Public Utility Easement located on the North 10 feet of Lots 4 and 5, Scandia Plaza East, 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 subdivision plat of Scandia Plaza East.

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 the Legal Department for forwarding to and recording by Des Moines Leased Housing Associates VIII, LP, at its expense.

( continued )

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MOVED by Mahaffey 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

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