

★ Roll Call Number
11-1958

Agenda Item Number
15

Date November 21, 2011

ACCEPTANCE OF PERMANENT EASEMENT FOR SANITARY AND STORM SEWER LOCATED AT 3230 DIXON STREET FROM LIBERTY HOLDINGS, INC. FOR \$1

WHEREAS, Liberty Holdings, Inc., doing business as Liberty Ready Mix (Jeff Tucker, Vice President, P.O. Box 556, Johnston, IA 50131), is the owner of property locally known as 3230 Dixon Street, Des Moines; and

WHEREAS, on September 21, 1939 by Roll Call No. 2899, the City of Des Moines accepted an Easement for Sewer Right-of-Way located upon 3230 Dixon Street; and

WHEREAS, Liberty Holdings, Inc. has installed a portable scale upon said existing sewer easement; and

WHEREAS, the City has requested and received a Permanent Easement for Sanitary and Storm Sewer Right-of-Way from property owner Liberty Holdings, Inc. to allow said existing encroachment over the easement area, with the requirement that any costs to relocate the scale or any other encroachments upon the easement area as may be needed for repair of the City-owned sewer will be paid by the property owner; and

WHEREAS, the Permanent Easement for Sanitary and Storm Sewer Right-of-Way will correct and replace the original easement and be binding upon the property owner and all of its successors and assigns in ownership of 3230 Dixon Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached document conveying property interests, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and is hereby approved and accepted as follows:

| | |
|--------------------|--|
| Property Owner: | Liberty Holdings, Inc. |
| Property Location: | 3230 Dixon Street, Des Moines |
| Document Type: | Permanent Easement for Sanitary and Storm Sewer Right-of-Way |
| Consideration: | \$ 1.00 plus closing costs |

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out these transactions and to deliver them to the payees.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

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That the City Clerk is hereby authorized and directed to endorse upon the Easement the approval and acceptance of this Council and is further authorized and directed to deliver said Easement, along with a certified copy of this resolution, to the Real Estate Division Manager, who shall proceed to record the documents with the Polk County Recorder's Office in accordance with standard real estate practices.

Moved by Hensley to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
 Glenna K. Frank,
 Assistant City Attorney

psn

| 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