

Date November 21, 2011

RESOLUTION RELEASING EASEMENT FOR SKYWALK CORRIDOR
THROUGH A PORTION OF THE DES MOINES BUILDING
AT 513 LOCUST STREET

WHEREAS, Statesman Life Insurance Company ("Statesman") was the owner of the eastern portion of the Des Moines Building at 513 Locust Street, when it entered into a Skywalk Agreement with the City of Des Moines dated December 21, 1981, and recorded on December 23, 1981, in Book 5143, commencing at Page 496, whereby Statesman dedicated a temporary easement for a north/south Skywalk Corridor in and across the east side of the Des Moines Building; and,

WHEREAS, the Skywalk Agreement further provides that the City shall release the temporary easement in and across the east side of the Des Moines Building in the event that a Skywalk Corridor is constructed over the adjoining north/south alley; and,

WHEREAS, a Skywalk Corridor was constructed over the north/south alley adjoining the Des Moines Building and the temporary north/south Skywalk Corridor was closed, but the temporary easement for the corridor through the Des Moines Building was never formally released; and,

WHEREAS, Des Moines Apartments has now purchased the Des Moines Building from the City of Des Moines and requests that the temporary easement be formally released; 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 temporary easement for a Skywalk Corridor designated as Easement 1, in Exhibit D-1, to in the Skywalk Agreement between the City of Des Moines and Statesman Life Insurance Company, et. al, dated December 21, 1981, and affecting the real estate described below, is no longer needed and may be released.

The East 2/3 of Lot 3, in Block C, Commissioner's Addition to Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The accompanying *Release of Easement for Temporary Skywalk Corridor* prepared by the City Legal Department, which releases and discharges the temporary Skywalk Corridor described above, is hereby approved.

★ Roll Call Number
11-1972

Agenda Item Number
30

-2-

Date November 21, 2011

3. The Mayor is hereby authorized and directed to sign the said *Release of Easement for Temporary Skywalk Corridor* 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 cause the executed *Release of Easement for Temporary Skywalk Corridor* together with a certified copy of this resolution, to be recorded in the office of the Polk County Recorder.

MOVED by Hensley to adopt.

FORM APPROVED:


 Roger K. Brown

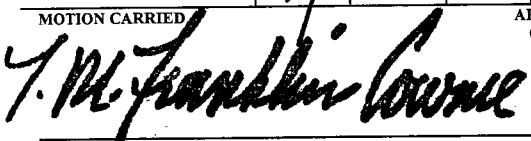
Assistant City Attorney

C:\Rog\Eco Dev\DM Bldg\Nelson Foutch\Closing\RC 2011-11-21 Release.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

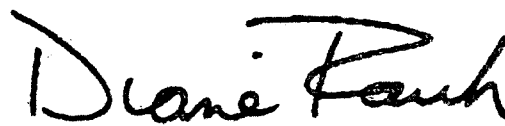
APPROVED


 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.



City Clerk