

★ Roll Call Number
12-0682

Agenda Item Number
14

Date May 7, 2012

**ACCEPTANCE OF PERMANENT EASEMENT FOR PUBLIC PEDESTRIANWAY LOCATED AT
 3740 VILLAGE RUN DRIVE FROM BROOK RUN, LC**

WHEREAS, Brook Run, LC (Thomas J. Gratias, Manager, 1350 NW 138th Street, Suite 500, Clive, Iowa 50325-8378), the owner of property locally known as 3740 Village Run Drive, has agreed to grant the City a Permanent Easement for Public Pedestrianway across the southern 30 feet of the property to create a trail for public access to Brook Run Park, subject to the stipulation that said easement does not increase any required zoning setback upon the property adjoining the easement area.

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: Brook Run, LC
 Property Location: 3740 Village Run Drive, Des Moines, IA 50317
 Document Type: Permanent Easement for Public Pedestrianway
 Consideration: \$1 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction 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.

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 to the Real Estate Division Manager, who shall proceed to record the document 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

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