

★ Roll Call Number

15-1772

Agenda Item Number

14

Date October 26, 2015

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF RESERVED UTILITY EASEMENTS LOCATED AT 1300 KEOSAUQUA WAY**

**WHEREAS**, Sercl OK LLC, an affiliate of Kum & Go LC, is the owner of 1300 Keosauqua Way ("Property") and is in the process of redeveloping the Property; and

**WHEREAS**, portions of the Property formally were City of Des Moines streets and alleys that were vacated and conveyed by the City to the predecessor(s) in interest to Sercl OK LLC, and are described in the following documents recorded with the Polk County Recorder:

1. Quit Claim Deed filed October 29, 1956, at Book 2924, Page 103
2. Quit Claim Deed filed October 19, 1956 at Book 2914, Page 296
3. Ordinance No. 7969 filed December 3, 1970 at Book 4179, Page 49
4. Ordinance No. 5719 filed January 15, 1971 at Book 4188, Page 526
5. Ordinance No. 7969 filed January 15, 1971 at Book 4188, Page 531
6. Ordinance No. 8056 filed July 12, 1972 at Book 4309, Page 515; and

**WHEREAS**, in all of the above-referenced Quit Claim Deeds and Ordinances, the City reserved a general easement for public utilities in place at the time that each document was recorded; and

**WHEREAS**, Sercl OK, L.L.C. has requested that the easement reservation for utilities upon said Property, as included in each of the above-referenced Quit Claim Deeds and Ordinances, be released by the City of Des Moines, and Sercl OK LLC has further provided an affidavit from Michael A. Brooner, Licensed Professional Land Surveyor of Civil Design Advantage LLC, stating that by both topographic survey and Iowa One Call, it has been determined that no public utilities are shown within the properties described in the above-referenced Quit Claim Deeds and Ordinances; and

**WHEREAS**, City staff have also determined that the City has no need for the existing easement reservations for utilities upon the Property as included in the above-referenced Quit Claim Deeds and Ordinances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. There is no public need for, and the public would not be inconvenienced by reason of the release of, the City's utility easement reservations as set forth in the above-listed Quit Claim Deeds and Ordinances.
2. The release of such City utility easement reservations be and is hereby approved.
3. The Mayor is authorized and directed to sign the Termination and Release of Easement, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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- 4. The City Clerk is authorized and directed to forward the original of the Termination and Release of Easement to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.
- 5. The Real Estate Division Manager is authorized and directed to forward the original of the Termination and Release of Easement, to the Polk County Recorder's Office for the purpose of causing the document to be recorded.
- 6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original copy to the requesting party.

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	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY				✓
MOORE	✓			
TOTAL	6			1

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