



Roll Call Number

16-1037

Agenda Item Number

23

Date June 27, 2016

RESOLUTION AUTHORIZING AND APPROVING RELEASE OF PERPETUAL PUBLIC INGRESS AND EGRESS EASEMENT RESERVATION OVER A PORTION OF VACATED ALLEY RIGHT-OF-WAY FOR THE PROPERTY AT 927 8TH STREET

WHEREAS, on February 12, 2001, by Roll Call No. 01-442, the City Council of the City of Des Moines, Iowa, approved the vacation and conveyance of the north/south alley right-of-way in the block bounded by 7th, 8th, School and Crocker Streets (City Right-of-Way) to Dynasty Properties, L.L.C., 941 8th Street, for \$12,700.00; to Beckley Properties, L.L.C., 901 8th Street, for \$3,700.00; and to Hosier, Inc., 927 8th Street, for \$4,600.00; and

WHEREAS, on February 12, 2001, the City of Des Moines, Iowa, executed a Quit Claim Deed conveying the City Right-of-Way to Hosier, Inc.; said Quit Claim Deed being subsequently recorded in the office of the Recorder of Polk County, Iowa, on April 26, 2001 in Book 8791, Page 995, and containing the reservation by City of a perpetual public ingress and egress easement for pedestrian and vehicular access purposes; and

WHEREAS, on April 11, 2016, by Roll Call No. 16-0556, the City Council of the City of Des Moines, Iowa approved the Release of Perpetual Public Ingress and Egress Easement from that portion of the Property legally described as follows:

The West ½ of the vacated North/South alley right-of-way lying East of and adjoining Lots 14 and 15, George Sneer’s Subdivision of Division 4 of Grimmel’s Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, Hubbell Realty Company, as current owner of the Property, has paid the City one thousand dollars (\$1,000.00) for the release of said Perpetual Public Ingress and Egress Easement; and

WHEREAS, a portion of the City Right-of-Way adjoining 927 8th Street, as described below, was mistakenly excluded from the legal description of the Release of Perpetual Public Ingress and Egress Easement that was approved by the City Council of the City of Des Moines, Iowa on April 11, 2016, by Roll Call No. 16-0556 and filed for record on May 20, 2016, in Book 16010, Page 196 in the office of the Polk County Recorder.

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

1. There is no public need for the property interest described below and the public would not be inconvenienced by reason of the release of the City’s perpetual public ingress and egress easement reservation over the remaining portion of property specifically described as follows:



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The West ½ of the vacated North/South alley right-of-way lying East of and adjoining the North ½ of Lot 13, George Sneer's Subdivision of Division 4 of Grimmel's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(VACATED BY ORDINANCE NO. 13,920, PASSED February 12, 2001.)

2. The release of such City perpetual public ingress and egress easement reservation be and is hereby approved.
3. The Mayor is authorized and directed to sign the Release of Perpetual Public Ingress and Egress Easement, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Release of Perpetual Public Ingress and Egress Easement, together with a certified copy of this resolution, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Perpetual Public Ingress and Egress Easement, together with a certified copy of this resolution, to the Polk County Recorder's Office for the purpose of causing these documents 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 of the Release of Perpetual Public Ingress and Egress Easement to the grantee.
7. There are no proceeds associated with this transaction.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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