

★ Roll Call Number

16-1706

Agenda Item Number

15

Date October 10, 2016

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF STORM
SEWER AND SURFACE WATER FLOWAGE INTERESTS IN PORTIONS
OF 3019 JEFFERSON AVENUE**

WHEREAS, the City of Des Moines, Iowa ("City") acknowledges a certain easement for storm sewer and surface water flowage easement interests granted to the City bearing the date of June 13, 1983, and recorded in the office of the Recorder of Polk County Iowa in Book 5273, Page 247 on July 28, 1983 ("Easement"), in portions of the property located at 3019 Jefferson Avenue, Des Moines, Polk County, Iowa:

WHEREAS, as part of the 30th Street and Jefferson Avenue Culvert Replacement Project, David P. Heins, the owner of 3019 Jefferson Avenue, has granted the City a Permanent Easement for Storm Sewer and Surface Water Flowage that replaces said Easement, so there is no public need for the storm sewer and surface water flowage easement interests described herein and the public would not be inconvenienced by reason of the release of said Easement.

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 storm sewer and surface water flowage easement interests described herein and the public would not be inconvenienced by reason of the release of the Easement in the property specifically described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, ELOISE MANOR, AN OFFICIAL PLAT; THENCE NORTHEASTERLY, ALONG THE WEST LINE OF SAID LOT 5, 50.0 FEET; THENCE NORTHEASTERLY, ALONG A STRAIGHT LINE PERPENDICULAR TO THE WEST LINE OF SAID LOT 5, 15.0 FEET; THENCE SOUTHEASTERLY, ALONG A STRAIGHT LINE PARALLEL AND 15.0 FEET NORTHEASTERLY OF SAID WEST LINE, TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE SOUTHWESTERLY, ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The release of such Easement be and is hereby approved.

3. The Mayor is authorized and directed to sign the Release of 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 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.

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5. The Real Estate Division Manager is authorized and directed to forward the original of the Release of 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 Easement to David P. Heins.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool
Deputy City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (YEAS: 7). Includes signature of Mayor T. M. Franklin.

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