

★ **Roll Call Number**
16-1984

Agenda Item Number
16

Date November 21, 2016

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF AN EASEMENT FOR
SANITARY SEWER RIGHT-OF-WAY IN PORTIONS OF 1424 E. EUCLID AVENUE**

WHEREAS, the City of Des Moines, Iowa (“City”) acknowledges a certain easement for sanitary sewer right of way easement interests granted to the City bearing the date of November 27th, 1939, and recorded in the office of the Recorder of Polk County Iowa in Book 1520, Page 255 on November 27th, 1939 (“Easement”), in portions of the property located at 1424 E. Euclid Avenue, Des Moines, Polk County, Iowa:

WHEREAS, as part of the development of a Quiktrip Store at 1424 E. Euclid Avenue, Quiktrip Corporation, the owner of 1424 E. Euclid Avenue, has granted the City a Permanent Easement for Sanitary Sewer Right of Way that replaces said Easement and increases the Easement Area; and

WHEREAS, 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. The public would not be inconvenienced by reason of the release of said Easement in the property specifically described as follows:

ALL THAT PART OF EASEMENT AREA RECORDED IN BOOK 1520 PAGE 255 AT THE POLK COUNTY RECORDER’S OFFICE LYING WITHIN PARCEL D, PARCEL D IS RECORDED IN BOOK 15007 PAGE 206 AT THE POLK COUNTY RECORDER’S OFFICE AND IS A PART OF LOTS 10, 12 AND 13 OF BROWN’S LOWLAND PLACE, OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- 2. The release of said 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.
- 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.

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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 Quiktrip Corporation.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

row

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