

★ **Roll Call Number**

16-2140

Agenda Item Number

13

Date December 19, 2016

RESOLUTION AUTHORIZING AND APPROVING RELEASE OF PUBLIC UTILITY EASEMENT RIGHTS WITHIN PORTIONS OF VACATED LINDEN STREET AND THE VACATED NORTH/SOUTH ALLEY LYING WITHIN 2301 INGERSOLL AVENUE

WHEREAS, the City of Des Moines, Iowa ("City") reserved right-of-way easements for public utilities within a Quit Claim Deed bearing the date of March 29th, 1946 and recorded in the office of the Recorder of Polk County Iowa in Book 1967, Page 306 on April 9th, 1946 ("Easement"), in portions of Linden Street and the north/south alley lying within 2301 Ingersoll Avenue, Des Moines, Polk County, Iowa; and

WHEREAS, in order to allow for redevelopment of 2301 Ingersoll Avenue and future utility work pursuant to said redevelopment, the Easement must be released; 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 public utility easement rights in portions of Vacated Linden Street and the north/south alley lying within 2301 Ingersoll Avenue, specifically described as follows:

All of that part of Vacated Linden Street lying between the west line of Twenty-third Street and the west line of the Vacated north and south alley west of Twenty-third Street; also that part of the Vacated north and south alley in Block "C", Woodland Park, extending from the south line of Lots Ten (10) and Eleven (11), to the south line of High Street, in the City of Des Moines, Iowa, subject to easement for sewer.

(VACATED BY ORDINANCE NO. 4844, PASSED March 11, 1946.)

2. The Release of Public Utility Easement Rights is hereby approved.
3. The City Clerk is authorized and directed to sign the Release of Public Utility Easement Rights.
4. The City Clerk is authorized and directed to forward the original of the Release of Public Utility Easement Rights, 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 Public Utility Easement Rights, 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 Public Utility Easement Rights to the grantee.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

T. M. Franklin Mayor

Diane Rauh City Clerk