

WITHDRAWN

★ Roll Call Number
17-0468

Agenda Item Number
15

Date March 20, 2017

RESOLUTION AUTHORIZING AND APPROVING THE RELOCATION OF AN EASEMENT FOR PUBLIC INGRESS AND EGRESS IN PORTIONS OF 1501 E. GRAND AVENUE WITH QUIKTRIP CORPORATION

WHEREAS, the City of Des Moines, Iowa ("City") acknowledges a certain Easement for Ingress and Egress granted to the City for pedestrian and vehicular access purposes bearing the date of May 21st, 2002, and recorded in the office of the Polk County Recorder in Book 9181, Page 819 on June 13th, 2002 ("Easement"), in portions of the property located at 1501 E. Grand Avenue, Des Moines, Polk County, Iowa:

WHEREAS, as part of the development of a QuikTrip store at 1501 E. Grand Avenue, QuikTrip Corporation, the owner of 1501 E. Grand Avenue, has granted the City a Permanent Easement for Public Ingress and Egress, in consideration of the City's approval of the site plan for the development of the property, which replaces said Easement and relocates the easement area to a different portion of 1501 E. Grand Avenue, subject to the following conditions: QuikTrip Corporation shall be responsible for the addition of a left turn arrow pavement marking and a corresponding "Left Turn Only" sign at the alley exit for southbound traffic exiting onto Capital Ave. Location of the pavement marking and corresponding sign shall be approved in writing by the City's Traffic and Transportation Division prior to QuikTrip's installation thereof; and

WHEREAS, the public would not be inconvenienced by relocating access to 1501 E. Grand Avenue by reason of the release of said Easement and acceptance of the Easement for Public Ingress and Egress.

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 ingress and egress easement rights in the property specifically described as follows:

A STRIP OF LAND 18.00 FEET WIDE IN BLOCK 45, STEWARTS ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID, BLOCK 45; THENCE NORTH 90° (DEGREES) 00' (MINUTES) 00" (SECONDS) WEST (ASSUMED BEARING), ALONG THE SOUTH LINE OF LOT 5 OF SAID BLOCK 45, A DISTANCE OF 23.02 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 00°02'07" WEST, A DISTANCE OF 116.07 FEET; THENCE NORTHEASTERLY 37.28 FEET ALONG A 25.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY HAVING A LONG CHORD OF 33.92 FEET BEARING NORTH 42°41'08" EAST, TO A POINT ON THE NORTHERLY EXTENTION OF THE EAST LINE OF LOT 5 OF SAID BLOCK 45, SAID POINT ALSO BEING THE POINT OF TERMINUS, CONTAINING 2,760 SQUARE FEET MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: THE SIDE LINES OF SAID EASEMENT NEEDS TO BE SHORTENED OR EXTENDED TO PREVENT ANY GAPS OR OVERLAPS AT ALL ANGLE POINTS AS



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FOLLOWS:

- 1, TO BEGIN ON THE SOUTH LINE OF LOT 5 OF SAID BLOCK 45,
- 2, TO TERMINATE THE WESTERLY SIDE AT THE SOUTHEAST CORNER OF LOT 24 OF SAID BLOCK 45 AND TO TERMINATE THE EASTERLY SIDE AT THE NORTHEAST CORNER OF LOT 5 OF SAID BLOCK 45.

2. The Release of Easement be and is hereby approved.

3. The public would not be inconvenienced by reason of acceptance of the Permanent Easement for Public Ingress and Egress in the property specifically described as follows, subject to the following conditions: QuikTrip Corporation shall be responsible for the addition of a left turn arrow pavement marking and a corresponding "Left Turn Only" sign at the alley exit for southbound traffic exiting onto Capital Ave. Location of the pavement marking and corresponding sign shall be approved in writing by the City's Traffic and Transportation Division prior to QuikTrip's installation thereof:

A TWENTY-NINE FOOT ACCESS EASEMENT BEING A PART OF LOT 6 OF BLOCK 45 OF STEWART'S ADDITION, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE SOUTH LINE OF SAID LOT 6 S75°01'20"W, 29.00 FEET; THENCE N15°03'13"W, 132.09 FEET TO THE NORTH LINE OF SAID LOT 6; THENCE ALONG SAID NORTH LINE N75°00'15"E, 29.00 FEET; THENCE ALONG THE EAST LINE OF SAID LOT 6 S15°03'13"E, 132.09 FEET TO THE POINT OF BEGINNING. DESCRIBED AREA CONTAINS 3,831 SQUARE FEET AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD. DESCRIBED EASEMENT IS BEING THE QUIKTRIP STORE #535 IMPROVEMENTS PROJECT.

4. The Permanent Easement for Public Ingress and Egress is hereby accepted.

5. The Mayor is authorized and directed to sign the Release of Easement and the Permanent Easement for Public Ingress and Egress, and the City Clerk is authorized and directed to attest to the Mayor's signature.

6. The City Clerk is authorized and directed to forward the original of the Release of Easement and the Permanent Easement for Public Ingress and Egress, 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.

7. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Easement and the Permanent Easement for Public Ingress and Egress, 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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8. 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 and the Permanent Easement for Public Ingress and Egress to QuikTrip Corporation.

Moved by _____ 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				
MOTION CARRIED	APPROVED			
_____ 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.

City Clerk