



Roll Call Number

17-0757

Agenda Item Number

23

Date May 8, 2017

RESOLUTION AUTHORIZING AND APPROVING PARTIAL ABANDONMENT AND RELEASE OF PUBLIC UTILITY EASEMENT IN PROPERTY LOCATED NORTH OF DES MOINES STREET BETWEEN EAST 2ND STREET AND EAST 4TH STREET

WHEREAS, the City of Des Moines, Iowa (“City”) acknowledges a certain public utility easement granted to the City incident to the plat of River Hills Plat Seven, recorded in Book P, at Page 359 in the office of the Polk County Recorder (“Easement”), in portions of the property located north of Des Moines Street between East 2nd Street and East 4th Street, Des Moines, Polk County, Iowa:

WHEREAS, as part of the redevelopment project known as the Bridge District, there is no longer a public need for the public utility easement interests described herein and the public would not be inconvenienced by reason of the partial abandonment and 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 public utility easement interests described herein and the public would not be inconvenienced by reason of the partial abandonment and release of the Easement in the property specifically described as follows:

ALL THAT PART OF THAT 10.00 FEET WIDE PUBLIC UTILITY EASEMENT CENTERED ON THE COMMON LINES BETWEEN LOTS 9 AND 15, LOTS 10 AND 14, AND LOTS 11 AND 13 IN RIVER RILLS PLAT SEVEN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

LOTS 9, 10, 11, AND 13; AND THAT PART OF LOT 14 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14, THENCE SOUTH 74°49’44” WEST ALONG THE NORTHERLY LINE OF SAID LOT 14, 211.08 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 05°53’17” EAST ALONG THE WESTERLY LINE OF SAID LOT 14 A DISTANCE OF 134.05 FEET; THENCE NORTH 74°29’02” EAST 216.31 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 14; THENCE ALONG THE EASTERLY LINE OF SAID LOT 14, SAID LINE BEING A CURVE WHICH IS CONCAVE WESTERLY HAVING A CENTRAL ANGLE OF 04°27’12” AND A CHORD BEARING NORTH 08°44’03” WEST, AN ARC DISTANCE OF 90.55 FEET; THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 14 NORTH 06°30’27” WEST A DISTANCE OF 41.50 FEET TO THE POINT OF BEGINNING; ALL IN RIVER HILLS PLAT SEVEN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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- 2. The partial abandonment and release of such Public Utility easement be and is hereby approved.
- 3. The Mayor is authorized and directed to sign the Partial Abandonment and Release of Public Utility 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 Partial Abandonment and Release of Public Utility 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 Partial Abandonment and Release of Public Utility 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

PCW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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