



Roll Call Number

17-0758

Agenda Item Number

24

Date May 8, 2017

**RESOLUTION AUTHORIZING AND APPROVING PARTIAL ABANDONMENT AND RELEASE OF SEWER AND PUBLIC UTILITY EASEMENT IN PROPERTY LOCATED NORTH OF DES MOINES STREET BETWEEN EAST RIVER DRIVE AND EAST 4<sup>TH</sup> STREET**

**WHEREAS**, the City of Des Moines, Iowa (“City”) acknowledges a certain perpetual Sewer and Public Utility Easement conveyed to the City incident to the plat of River Hills Plat Seven, filed of record with the Recorder of Polk County, Iowa on September 16, 1969, in Book P, Page 359, (“Easement”), in portions of the property located north of Des Moines Street between East River Drive and East 4<sup>th</sup> 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 sewer and 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 sewer and 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:

THAT PART OF THAT 50.00 FEET WIDE SEWER & PUBLIC UTILITY EASEMENT CENTERED ON THE COMMON LINE BETWEEN LOTS 3 AND 4 IN RIVER RILLS PLAT SEVEN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 01°(DEGREES) 23’(MINUTES) 18”(SECONDS) WEST, 25.41 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE NORTH LINE OF THAT 50.00 FEET WIDE SEWER & PUBLIC UTILITY EASEMENT CENTERED ON THE COMMON LINE BETWEEN LOTS 3 AND 4 IN SAID RIVER RILLS PLAT SEVEN; THENCE NORTH 78°18’06” EAST, 106.30 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 78°18’06” EAST, 100.00 FEET ALONG THE NORTH LINE OF SAID EASEMENT; THENCE SOUTH 11°41’54” EAST, 10.00 FEET; THENCE SOUTH 78°18’06” WEST, 100.00 FEET; THENCE NORTH 11°41’54” WEST, 10.00 FEET TO THE POINT OF BEGINNING.

2. The partial abandonment and release of such Sewer and Public Utility Easement be and is hereby approved.

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

*rw*

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| GRAY           | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| WESTERGAARD    | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

**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.

MOTION CARRIED 7 APPROVED  
J. M. Franklin Mayor

Diane Rauh City Clerk