

★ **Roll Call Number**
17-0860

Agenda Item Number
17

Date May 22, 2017

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF PUBLIC TRAIL EASEMENT
 GRANTED INCIDENT TO FILING OF SUMMERSFIELD PLAT 1**

WHEREAS, the City of Des Moines, Iowa ("City") acknowledges a certain Public Trail Easement conveyed to the City incident to the plat of Summersfield Plat 1, filed of record with the Recorder of Polk County, Iowa on December 19, 2006, in Book 100, Page 230, ("Easement"), in Lot 29 and Outlot Z of Summersfield Plat 1 located in Des Moines, Polk County, Iowa:

WHEREAS, the trail has not been used and there is no longer a public need for the Easement and the public would not be inconvenienced by reason of the release of the 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 Easement and the public would not be inconvenienced by reason of the release of the Easement in the property specifically described as follows:

EASEMENT (K) ACROSS LOT 29 AND OUTLOT Z IN SUMMERSFIELD PLAT 1, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The release of and the Easement is hereby approved.

3. The Mayor is authorized and directed to sign the Release of Public Trail 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 Public Trail 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 Public Trail 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 Gatto to adopt.

APPROVED AS TO FORM:

Thomas G. Fisher Jr.
 Thomas G. Fisher Jr., Assistant City Attorney

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.

T. M. Franklin Mayor

Diane Rauh City Clerk