

★ **Roll Call Number**

17.0964

**Agenda Item Number**

14

**Date** June 12, 2017

**RESOLUTION AUTHORIZING AND APPROVING RELEASE OF EASEMENT  
FOR PUBLIC UTILITY AND EASEMENT FOR DRAINAGE WITHIN  
CENTRAL TERMINAL PARK SUBDIVISION**

**WHEREAS**, the City of Des Moines, Iowa ("City") acknowledges a certain plat containing an easement for public utility and drainage easement interests granted to the City bearing the date of November 17, 1968, and recorded in the office of the Recorder of Polk County Iowa in Book P, Page 217 on November 17, 1968 ("Easement"), in portions of the property known as Central Terminal Park, Des Moines, Polk County, Iowa; and

**WHEREAS**, as part of expansion of an existing industrial site, the developer would like to combine two parcels thus eliminating the easement. The City has received an affidavit advising there are no existing utilities within the easement area, so there is no public need for the public utility and drainage interests described herein and 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. There is no public need for the public utility and drainage easement interests described herein and the public would not be inconvenienced by reason of the release of the Easement in the property specifically described as follows:

THE EAST 5.00 FEET EXCEPT THE NORTH 220.00 FEET OF LOT 5, CENTRAL TERMINAL PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

And

THE WEST 5.00 FEET OF LOT 6 AND THE WEST 5.00 FEET OF THE SOUTH 80.00 FEET OF LOT 7, CENTRAL TERMINAL PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

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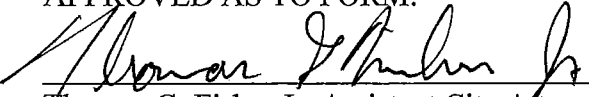
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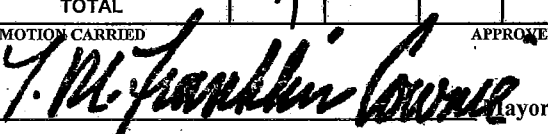
- 5. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Easement Rights, together with a certified copy of this resolution, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
- 6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Release of Easement Rights to the grantee.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

  
 Thomas G. Fisher Jr. Assistant City Attorney

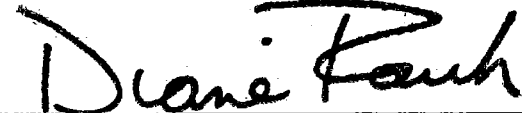
PJW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
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.

  
 City Clerk