



Roll Call Number

17-1459

Agenda Item Number

15

Date August 28, 2017

RESOLUTION AUTHORIZING AND APPROVING AN EASEMENT AMENDMENT AGREEMENT BETWEEN DONALD H. TAYLOR FAMILY LIMITED PARTNERSHIP AND THE CITY OF DES MOINES

WHEREAS, Donald H. Taylor Family Limited Partnership, an Iowa limited partnership, owns the following parcel of real estate in Des Moines, Polk County, Iowa (hereinafter "Property"):

Lot 24 (except the north 60 feet thereof) in Brown's Lowland Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and a 12.5 foot strip of ground lying Southerly from and adjoining the South lot line of said Lot 24 being a part of vacated Ovid Avenue; and

WHEREAS, the Property is subject to a certain Easement for Sewer Right-of-Way dated October 19, 1954, and recorded October 28, 1954, in the office of the Recorder of Polk County, Iowa in Book 2716, Page 639 ("Easement 1"), and a certain Easement for Storm Sewer Right-of-Way dated October 15, 1990 and recorded February 22, 1991 in the office of the Recorder of Polk County, Iowa in Book 6341, Page 742 ("Easement 2") (hereinafter collectively the "Easements"); and

WHEREAS, Donald H. Taylor Family Limited Partnership (hereinafter "Grantor") has requested the Easements be amended to allow certain minor existing building encroachments into and upon the easement area of the Easements to remain in place; and

WHEREAS, the City's Sewer Enterprise Division has reviewed the above request from Donald H. Taylor Limited Partnership and recommends approval of the Easement Amendment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City agrees to allow the minor existing building encroachments into and upon the easement area of Easements to remain in place, subject to the terms and conditions contained in the Easement Amendment Agreement, and said Easement Amendment Agreement is hereby approved and accepted.

The Mayor is authorized and directed to sign the Easement Amendment Agreement, and the City Clerk is authorized and directed to attest to the Mayor's signature.

The City Clerk is hereby authorized and directed to endorse upon the Easement Amendment Agreement the approval and acceptance of this Council.

The City Clerk is authorized and directed to forward the original of the Easement Amendment Agreement, together with a certified copy of this resolution, to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.



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The Real Estate Division Manager is authorized and directed to forward the original of the Easement Amendment Agreement, 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.

Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail a copy of the Easement Amendment Agreement to Donald H. Taylor Family Limited Partnership.

There are no proceeds associated with this agreement.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

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

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 Council Mayor

Diane Rauh City Clerk