



Roll Call Number

17-1481

Agenda Item Number

35

Date August 28, 2017

RESOLUTION APPROVING TERMINATION OF EASEMENT AGREEMENT NO LONGER NECESSARY FOR BUILDING AND FIRE CODE COMPLIANCE

WHEREAS, on May 30, 2017, the owner of the property located at 811 Crocker Street in Des Moines Iowa entered into an agreement with the neighboring property owner located at 813 Crocker Street to provide an Easement Agreement Establishing a No Build Area (the "Easement Agreement") in order to comply with City of Des Moines building and fire codes that require a certain set-back distance; and,

WHEREAS, the Easement Agreement provided that it could not be amended without the approval of the city of Des Moines; and,

WHEREAS, subsequent to entering into the Easement Agreement, the owner of 811 Crocker purchased the the property at 813 Crocker Street and incorporated the property into the condominium regime already established at 811 Crocker, thus eliminating the need for the Easement Agreement; owner now desires to terminate the Easement Agreement; and,

WHEREAS the owner has submitted the termination of the Easement Agreement to the City for approval and it has been reviewed and approved as to form by the Legal Department.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines that the Easement Agreement submitted by the owner for approval is hereby approved and the mayor and city clerk are hereby authorized and directed to execute the easement agreement on behalf of the city of Des Moines.

MOVED by Gatto to adopt.

FORM APPROVED:

Thomas G. Fisher Jr., Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7 yeas).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk