



Roll Call Number

18-0034

Agenda Item Number

13

Date January 8, 2018

RESOLUTION AUTHORIZING AND APPROVING RELEASE OF PERMANENT ACCESS EASEMENT RESERVATION OVER A PORTION OF VACATED SOUTHWEST 2ND STREET LOCATED WEST OF INDIANOLA AVENUE AND NORTH OF DUNHAM AVENUE

WHEREAS, on April 17, 1995, by Roll Call No. 95-1487, the City Council of the City of Des Moines, Iowa, approved the vacation and conveyance of public Right-of-Way and excess City-owned property in the vicinity of S.W. 2nd Street and Jackson Avenue ("City Right-of-Way") to BA Acquisition, Inc., and to Boru, L.C., as assignees of REACO, Inc., for a total purchase price of \$46,000.00; and

WHEREAS, on April 17, 1995, the City of Des Moines, Iowa, executed a Quit Claim Deed conveying a portion of the City Right-of-Way to BA Acquisition, Inc., said Quit Claim Deed being subsequently recorded in the office of the Recorder of Polk County, Iowa on May 31, 1995 in Book 7202, Page 866 and containing the reservation by City of a permanent Access Easement for vehicular and pedestrian access purposes, more particularly described below; and

WHEREAS, condition #4 of said Access Easement states that the "Access Easement shall terminate at such time as Dunham Avenue is paved for a distance of two blocks extending east of S.W. 2nd Street"; and

WHEREAS, all terms and conditions, including condition #4, of said Access Easement reservation have been satisfied, and Dunham Avenue has been paved for a distance of two blocks extending east of S.W. 2nd Street; and

WHEREAS, the City has no need for the permanent Access Easement for vehicular and pedestrian access purposes in said City Right-of-Way, as described below.

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 property interest described below and the public would not be inconvenienced by reason of the release of the City's permanent Access Easement reserved in Quit Claim Deed filed in Book 7202, Page 866 in the Polk County Recorder's Office, legally described as follows:

The centerline of a 24.00 feet wide Access Easement over and across a portion of vacated SW 2nd Street is described as: Commencing at an iron pipe with I.D. cap #3169 at the Southeast Corner of the North 33.00 feet of Block 2 in Van's Addition to South Des Moines, an Official Plat, Des Moines, Polk County, Iowa; thence, S72°-23'-32"E, a distance of 33.00 feet to the Point of Beginning; thence, N18°-55'-15"E along a line parallel with and 33.00 feet East of the West Right-of-Way line of vacated S.W. 2nd Street as it is presently established, a distance of 217.91 feet; thence Northeasterly along a 71.28 feet radius curve concave southeasterly, a distance of 68.76 feet, said curve having a chord bearing of N46°-33'-27"E and a chord length of 66.13 feet to the Westerly Line of the S.W. 3rd Street Approach as it is presently established and to the end of said easement.

★ Roll Call Number
180034

Agenda Item Number
13

Date January 8, 2018

2. The release of said City permanent Access Easement reservation be and is hereby approved.
3. The Mayor is authorized and directed to sign the Release of 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 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 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.
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 to the grantee.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

RAW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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.

Diane Rauh City Clerk

T. M. Franklin Cownie Mayor