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Date..... January 8, 2007

PARTIAL RELEASE OF PUBLIC UTILITY EASEMENT AT 2547 E. PORTER AVENUE

WHEREAS, on November 5, 2001, by Roll Call No. 01-3306, the City Council approved the subdivision plat entitled Easter Lake Estates Plat 7, for property located south of Easter Lake Drive in the vicinity of SE 27th Street, developed by The Oaks Development Company represented by John Kline, Principal; and

WHEREAS, the approved subdivision plat establishes a 15-foot wide Public Utility Easement along the west and south boundaries of 2547 E. Porter Avenue; and,

WHEREAS, Christina Kelly has purchased the lot at 2547 E. Porter Avenue and would like to move an existing 64-foot wide home onto the lot; and,

WHEREAS, the home cannot be placed on the lot at 2547 E. Porter Avenue unless the City releases a portion of the 15 foot wide public utility easement as described below; and,

WHEREAS, Christina Kelly has obtained consents from the affected utilities to reduce the public utility easement from 15 feet wide to 10 feet wide as described below; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby finds that the portion of the public utility easement upon the lot at 2547 E. Porter Avenue, more specifically described below, is not needed for any public purpose and may be released.
2. The public utility easement dedicated pursuant to the subdivision plat of Easter Lakes Estates Plat 7, and located upon the following portion of the lot at 2547 E. Porter Avenue, is hereby released and abandoned. The City of Des Moines hereby expressly reserves and retains the balance of the public utility easement.

The South 102.4 feet of the North 117.4 feet of the East 5.0 feet of the West 15.0 feet of Lot 47; and, the East 72.7 feet of the North 5.0 feet of the South 15.0 feet of said Lot 47, in Easter Lakes Estates Plat 7, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(continued)

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3. The City Clerk is hereby directed to provide a certified copy of this resolution and the accompanying Easement Exhibit to the Legal Department for release to and recording by Christine Kelly. The City Clerk is hereby further directed to send a copy of this resolution and the accompanying Easement Exhibit to Qwest Communications, Mid-American Energy, MediaCom, Des Moines Water Works, City Engineer, City Land Records, and Community Development Department.

(Council Communication No. 07- 022)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				
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.

Mayor

City Clerk