

Date February 12, 2007

ACCEPTANCE OF AVIGATION AND HAZARD EASEMENT

WHEREAS, the property at 4707 Fleur Drive is owned by Raccoon Valley Investment Company, L.C., represented by Michael Coppola, Manager, and the property is being redeveloped for use as a Hy-Vee Grocery Store and gas station; and,

WHEREAS, the property is located immediately northeast of the Des Moines International Airport and the City Staff have required the dedication of a new and updated Avigation and Hazard Easement for the property as a condition of site plan approval for the redevelopment of the property; and,

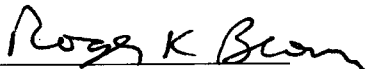
WHEREAS, Raccoon Valley Investment Company, L.C., has executed an *Avigation and Hazard Easement and Release and Abandonment of Existing Easement* for the property in a form approved by the Legal Department; NOW THEREFORE,

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

1. The *Avigation and Hazard Easement and Release and Abandonment of Existing Easement* from Raccoon Valley Investment Company, L.C. for the property at 4707 Fleur Drive is hereby approved and accepted.
2. The City Clerk is hereby authorized and directed to certify to the City's acceptance of the Easement, and to forward the Easement and a certified copy of this resolution to the Real Estate Division for recording.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown, Assistant City Attorney
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

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