

★ Roll Call Number

Agenda Item Number

14

Dispositions – Union Pacific Railroad Company

Date May 8, 2006

SET HEARING FOR THE PARTIAL RELEASE OF EASEMENT ON PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY AT SW 1ST STREET AND GRANGER AVENUE FOR \$1.00

WHEREAS, on August 5, 2002, by Roll Call No. 02-1906, the City Council approved the acquisition of a permanent easement across property owned by Union Pacific Railroad Company at SW 1st Street and Granger Avenue, in connection with the Indianola Avenue Connector Project, for the consideration of \$1.00; and

WHEREAS, this easement originally encumbered a larger area than the portion of the property owned by Union Pacific Railroad Company than is now needed for permanent easement purposes; and

WHEREAS, Union Pacific Railroad Company has requested that the excess portion of the easement be released.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. The City Council of the City of Des Moines, Iowa proposes to release the following described easement across property owned by Union Pacific Railroad Company at SW 1st Street and Granger Avenue, more specifically described and for the consideration identified below:

To: Union Pacific Railroad Company

For: \$1.00

DESCRIPTION APPROVED [Signature] 5/16/06 12:20

A PART OF LOTS 3 & 4, BLOCK 8, VAN'S ADDITION TO SOUTH DES MOINES AND A PART OF LOT 7, BLOCK 6, SOUTH FORT DES MOINES, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 72°(DEGREES) 18'(MINUTES) 27"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 46.80 FEET; THENCE NORTH 15°48'23" WEST, 70.94 FEET; THENCE NORTH 57°35'20" EAST, 139.27 FEET; THENCE SOUTH 18°51'24" WEST, 166.04 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN FIELD BY MICHAEL M. KLAPP, LICENSED SURVEYOR NO. 4821. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. BY SURVEY 8,618 SQUARE FEET.

- 2. A public hearing shall be held on May 22, 2006, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with code section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the partial release of this easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa

Emily Gould Chafa
Assistant City Attorney

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

MOTION CARRIED APPROVED

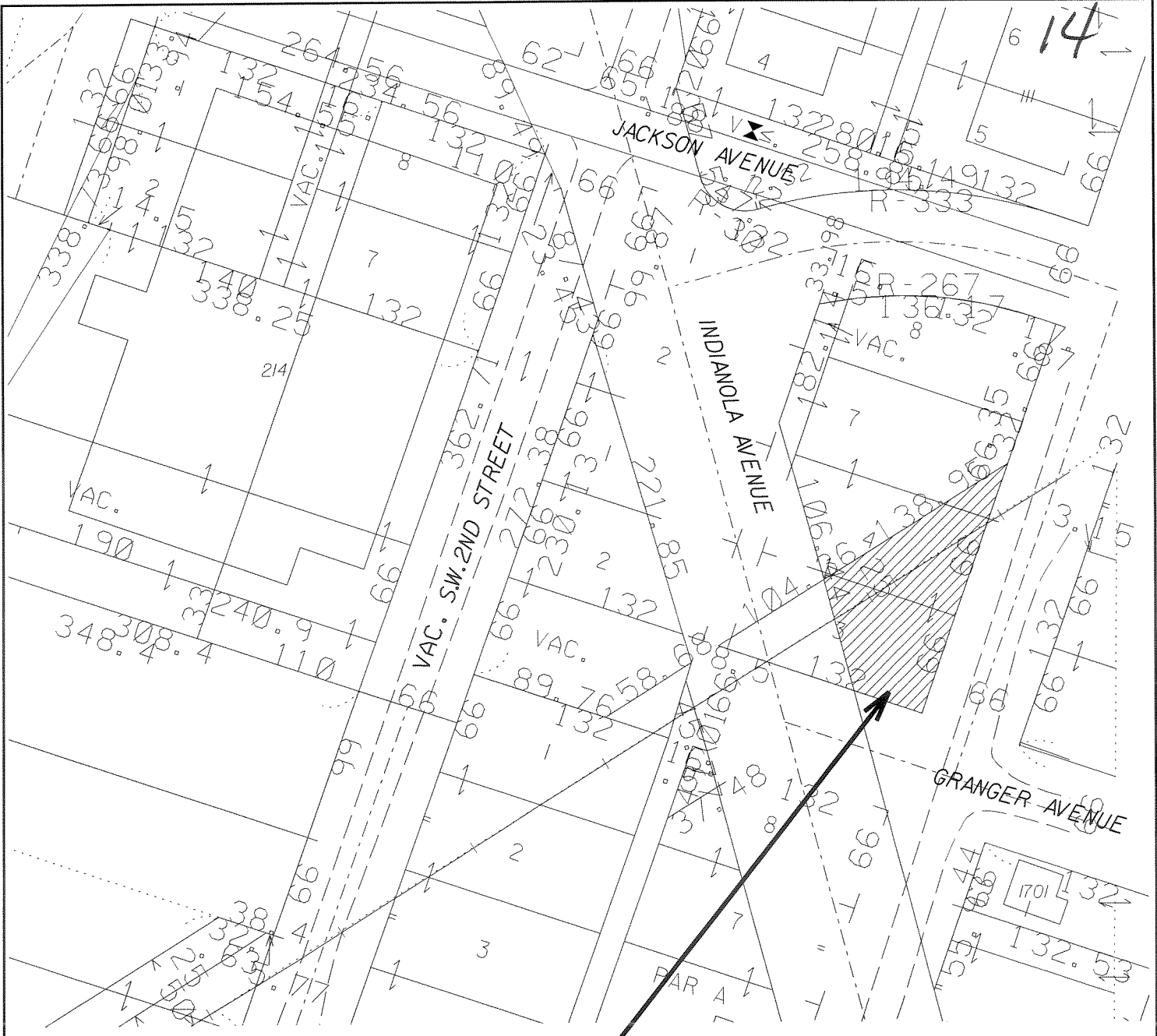
Mayor

CERTIFICATE

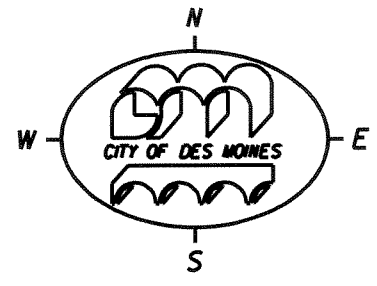
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



**PROPERTY
LOCATION**



**EASEMENT RELEASE
INDIANOLA AVENUE CONNECTOR
ACTIVITY I.D. 34-2006-050**