

.....
Date June 19, 2006

RESOLUTION ACCEPTING REPLACEMENT EASEMENT
FOR STORM SEWER RIGHT-OF-WAY
(New Casey's General Store at 2849 E. Euclid Avenue)

WHEREAS, Casey's Marketing Company is seeking to redevelop the property at 2849 E. Euclid Avenue with a new Casey's General Store; and,

WHEREAS, the property at 2849 E. Euclid Avenue is encumbered by a public storm sewer which crosses through the property, and the existing easement for that sewer includes a portion of the footprint of a proposed canopy; and,

WHEREAS, as a condition for approval of the proposed site plan for the redevelopment of the property, the City has required Casey's Marketing Company to provide a replacement easement for the continued use and maintenance of the public storm sewer; and,

WHEREAS, Casey's Marking Company has provided a replacement easement containing a release of the original easement; and,

WHEREAS, the City staff recommends acceptance of the replacement easement and release of the original easement; NOW THEREFORE,

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

1. The Permanent Easements for Storm Sewer Right-of-way prepared by Douglas M. Beech and on file in the office of the City Clerk, which conveys replacement storm sewer easements to the City, and releases and abandons portions of the existing storm sewer easements in the vicinity of 2849 E. Euclid Avenue, is hereby approved.
2. The City Clerk is hereby authorized and directed to certify on the said Permanent Easements for Storm Sewer Right-of-way to the City's acceptance of such easement. The City Clerk is further directed to forward the fully executed easement to the Legal Department for release to the proprietor for recording.

(continued)

★ Roll Call Number

Agenda Item Number

19

Date June 19, 2006

-2-

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Plats\Roll Calls\Caseys - exchange easements.doc

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