

Date..... November 24, 2008

RESOLUTION RELEASING RESERVED UTILITY EASEMENT

WHEREAS, by Ordinance No. 11,264, the City of Des Moines vacated that part of the SW 6th Street right-of-way now within Lots 1, 2 and 3 of Riverpoint Plat No. 4, while reserving an easement for any utilities then in place; and,

WHEREAS, on February 6, 1989, by 89-492, the City Council approved the sale to F.M. Hubbell, Son & Company, Incorporated, of the vacated portion of SW 6th Street right-of-way now within Lots 1, 2 and 3 of Riverpoint Plat No. 4, while reserving an easement for any utilities then in place; and,

WHEREAS, Hubbell Realty Company, 501 SW 7th Street, LLC, and 535 SW 7th Street, LLC, represented by R. Michael Hayes, are now the owners of the said Lots 1, 2 and 3, and have requested that the City release the reserved utility easement; and,

WHEREAS, the City has received an Affidavit from Douglas Saltgaver, a Licensed Professional Engineer with Engineering Resource Group, verifying that there are no functioning public utility services within the reserved utility easement; and,

WHEREAS, the City staff have confirmed that there are no City storm or sanitary sewers within the reserved utility easement; 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 easements for any public utilities then existing within the vacated SW 6th Street right-of-way reserved in Ordinance No. 11,264 passed February 6, 1989, and in the Corrective Special Warranty Deed to F.M. Hubbell, Son & Company, Incorporated, dated August 8, 1989, are no longer needed and may be released.
2. The accompanying *Release of Reserved Easement* prepared by the City Legal Department, which releases and discharges the reserved right-of-way easements is hereby approved.
3. The Mayor is hereby authorized and directed to sign the said *Release of Reserved Easement* on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.

Date November 24, 2008

- The City Clerk is hereby authorized and directed to forward a certified copy of this resolution, and the original of the *Release of Reserved Easement* to the Legal Department for release to, and recording by, Hubbell Realty Company.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

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

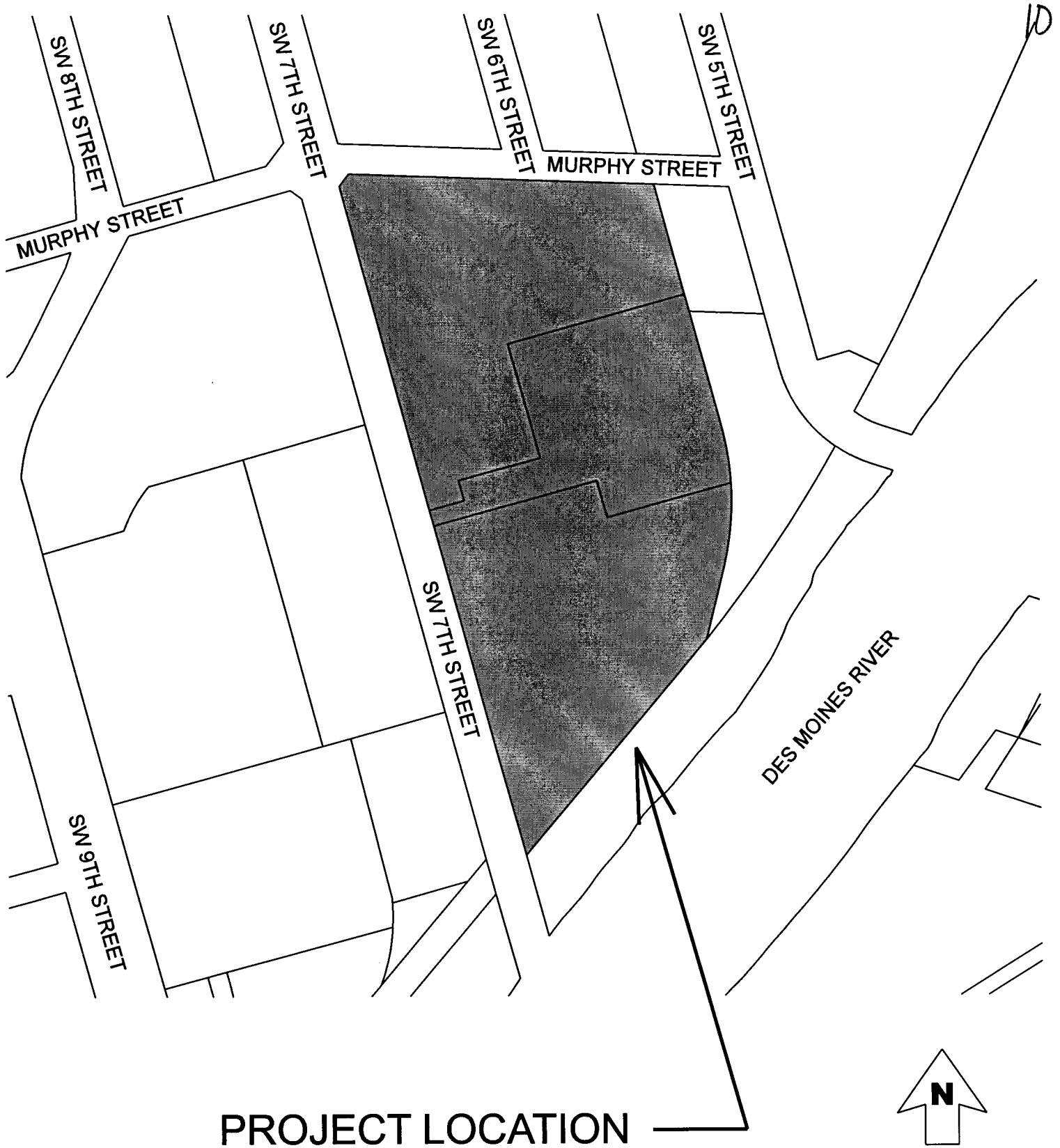
Mayor

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



PROJECT LOCATION

RIVERPOINT PLAT NO. 4
RELEASE OF UTILITY RESERVATION
16-2004-017