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Date ..... December 18, 2006 .....

**APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT AND COVENANT REGARDING SANITARY SEWER SERVICE OUTSIDE CITY LIMITS FOR THE CAPITAL CITY BAPTIST CHURCH IN POLK COUNTY**

WHEREAS, The City of Des Moines (City) maintains and operates a sanitary sewer in the right-of-way of Northeast 14<sup>th</sup> Street; and

WHEREAS, The Capital City Baptist Church (Applicant) is the owner of the property locally known as 5990 Northeast 14<sup>th</sup> Street; and

WHEREAS, The Applicant wishes to expand the uses at the property as a church, gymnasium, and classroom facility to include a children's youth activity center; and

WHEREAS, The sewer usage by the Applicant's proposed use of the property can be accommodated by the present sanitary sewer; and

WHEREAS, The City has indicated that in the public interest it is willing to temporarily permit the use of its sanitary sewer facilities by areas outside the corporate limits pending expected annexation of such areas, upon payment of just and equitable sewer charges; and

WHEREAS, The extension of sanitary sewer service to the proposed facilities on the property would protect the public health and safety.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the attached Agreement and Covenant between the City of Des Moines and with Capital City Baptist Church, Barron J. Penner, Deacon, and Gary A. Guy, Treasurer, 5990 Northeast 14<sup>th</sup> Street, Des Moines, IA, 50313-1205, in regards to Sanitary Sewer Service Outside City Limits, a copy of which is now on file in the office of the City Clerk, is hereby approved as to form and content.

★ Roll Call Number

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2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement and Covenant for and on behalf of the City of Des Moines.

(Council Communication No. 06-781 attached)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 Kathleen Vanderpool  
 Deputy City Attorney

Funds Available: Fund EN101, Org. PWK074007, Account 463060



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

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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

