

★Roll Call Number

13.191

Agenda Item Number

14

Date July 29, 2013

RESOLUTION AUTHORIZING AND APPROVING CONVEYANCE OF SANITARY SEWER AND STORM SEWER AND PARTIAL RELEASE OF EASEMENT WITHIN VACATED GRANDVIEW AVENUE BETWEEN EAST 13TH STREET AND EAST 14TH STREET, PREVIOUSLY CONVEYED TO GRAND VIEW COLLEGE

WHEREAS, on October 8, 2007, by Roll Call No. 07-1973, the City Council of the City of Des Moines approved Ordinance No. 14,711 vacating a portion of Grandview Avenue and portions of the alleys in the Grand View College campus, including that portion of Grandview Avenue between East 13th Street and East 14th Street legally described as:

All of the Grandview Avenue right-of-way lying South of and adjoining Lots 16 through 29, and all of the Grandview Avenue right-of-way lying South of and adjoining the West 31.50 feet of Lot 30, Block 6, Grand View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa;

and

WHEREAS, on October 8, 2007, by Roll Call No. 07-1971, the City Council approved the sale and conveyance of said vacated right-of-way, including that portion of vacated right-of-way as legally described above, to Grand View College for the total consideration of \$68,585.00; and

WHEREAS, the above-described right-of-way, as vacated, was conveyed to Grand View College by Quit Claim Deed filed of record on October 29, 2007 in Book 12427, Page 49 of the Office of the Polk County Recorder, subject to the reservation of easement for the continued use and maintenance of any utilities in place, and for installation, use and maintenance of any additional utilities needed in connection with the East 14th Street Widening Project, including those for the benefit and use of the City of Des Moines, with the right of entry for servicing same, and with any relocation to be at the expense of the developer or property owner; and

WHEREAS, the utility easement reservation upon the above-described right-of-way includes a City-owned sanitary sewer and storm sewer serving Grand View College; and

WHEREAS, Grand View College has requested that the City transfer the sanitary sewer and storm sewer, and all rights and obligations for maintenance and repair associated therewith, to the College pursuant to Bill of Sale, in form on file with the City Clerk, and thus Grand View College has further requested the City to formally release the utility easement described in the Quit Claim Deed as to said sanitary sewer and storm sewer, by Partial Release of Easement in form on file with the City Clerk; and

WHEREAS, the City and the public would not be inconvenienced by conveyance of the sanitary sewer and storm sewer to Grand View College or by a partial release of the reserved utility easement

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as to the conveyed sanitary sewer and storm sewer only, if the City retains the reserved utility easement as to all other utility purposes and uses.

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

- 1. The grant and conveyance of the City-owned sanitary sewer and storm sewer within the above-described portion of vacated Grandview Avenue, as conveyed to Grand View College by Quit Claim Deed filed October 29, 2007 in Book 12427, Page 49 in the office of the Polk County Recorder, pursuant to Bill of Sale, is hereby approved.
2. The partial release, as to the sanitary sewer and storm sewer only, of the utility easement reserved within the above-described portion of vacated Grandview Avenue, as conveyed to Grand View College by Quit Claim Deed filed October 29, 2007 in Book 12427, Page 49 in the office of the Polk County Recorder, pursuant to Partial Release of Easement, is hereby approved.
3. The Mayor is authorized and directed to sign the Bill of Sale and the Partial Release of Easement, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of said Bill of Sale and Partial Release of Easement, along with a certified copy of this resolution, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded with the Polk County Recorder.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

*Council Member Mahaffey declares a conflict of interest and abstains from voting.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (YEAS: 6).

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.

Diane Rauh (Signature)

City Clerk

Mayor (Signature)