



Roll Call Number

22-0775

Agenda Item Number

11

Date May 23, 2022

RESOLUTION APPROVING AGREEMENT WITH KADING PROPERTIES, LLC,
FOR THE PROVISION OF PUBLIC SANITARY SEWER SERVICE TO PROPERTY
OUTSIDE THE CITY OF DES MOINES AT 5570 NE 23RD AVENUE

WHEREAS, the City of Des Moines has received a request from Kading Properties, L.L.C., represented by Carrie Woerdeman, Director of Development, to obtain sewer service to the property it owns at 5570 NE 23rd Avenue in Delaware Township from the public sewer system operated by the City of Des Moines; and,

WHEREAS, Delaware Township is unable to provide sewer service to this property; and,

WHEREAS, the City Manager recommends that such sewer service be provided pursuant to City Code §118-204, upon the terms and conditions set forth in the *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* with Kading Properties, LLC, which is on file and available for inspection in the office of the City Clerk.

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

1. The proposed *Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits* which allows the provision of City sewer service to the property at 5570 NE 23rd Avenue is hereby approved. The Mayor is hereby authorized and directed to sign the agreement 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.
2. Upon execution of the Agreement as provided above, the City Clerk is hereby further authorized and directed to forward the Agreement to the Legal Department for release to and recording by Kading Properties, LLC.

Moved by Boesen to adopt. Second by Mandelbaum

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO				✓
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk