CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: November 16, 2015

ITEM: Resolution - Termination of Ingress/Egress Roadway Easements located in Christ's Church Subdivision, West Des Moines

FINANCIAL IMPACT: None

SYNOPSIS: In December, 2004, as part of the development of the Sonoma Building in West Des Moines, the City received an ingress/egress roadway easement to provide public access to the property north of Woodland Avenue. In May, 2013 the City received a revised and amended ingress/egress roadway easement for the same area. It has subsequently been determined that public ingress/egress has been provided to the area by a third easement, precluding the need for the easements referenced above. The attached resolution terminates both the 2004 ingress/egress roadway easement and the 2013 revised and amended ingress/egress roadway easement.

RECOMMENDATION:

Adopt and approve the resolution terminating the ingress/egress roadway easement dated December 10, 2004 and the revised and amended ingress/egress roadway easement dated May 16, 2013.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney RJS
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes	No	Split

Prepared by/return to: R.J. Scieszinski, 4200 Mills Civic Parkway, W. Des Moines, Iowa (515) 222-3614

RESOLUTION APPROVING THE TERMINATION OF PUBLIC INGRESS/EGRESS ROADWAY EASEMENTS LOCATED NORTH OF WOODLAND AVENUE IN CHRIST'S CHURCH SUBDIVISION, WEST DES MOINES, IOWA

WHEREAS, as a condition of approval of the Site Plan dated September 28, 2004 for the Sonoma Office Building located in Christ's Church subdivision in the City of West Des Moines, Dallas County, Iowa, the City of West Des Moines was granted a Public Ingress/Egress Roadway Easement filed of record on December 10, 2004 in Book 2004 at Page 19633 in the Office of the Dallas County, Iowa Recorder; and

WHEREAS, on May 16, 2013 an Amended Public Ingress/Egress Roadway Easement was filed of record in Book 2013 at Page 8840 in the Office of the Dallas County, Iowa Recorder;

WHEREAS, the City has subsequently determined that both easements are unnecessary and duplicative and should be terminated; and

WHEREAS, termination of the easements is in the best interest of the City of West Des Moines.

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

1. The Public Ingress/Egress Roadway Easement filed of record on December 10, 2004 in Book 2004 at Page 19633 and the Revised and Amended Public Ingress/Egress Roadway Easement filed of record on May 16, 2013 in Book 2013 at Page 8840, all as recorded in the Office of the Dallas County, Iowa Recorder, are hereby terminated.

2. This Resolution shall serve to terminate both the Public Ingress/Egress Roadway Easement and the Revised and Amended Public Ingress/Egress Roadway Easement and shall be filed of record in the Office of the Dallas County, Iowa Recorder.

PASSED AND ADOPTED this 16th day of November, 2015.

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ATTEST:

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Ryan T. Jacobson, City Clerk