



Roll Call Number

15-0904

Agenda Item Number

16

Date June 8, 2015

RESOLUTION APPROVING RELEASE OF TEMPORARY EASEMENT FOR  
VEHICULAR TURNAROUND AT 4850 AND 4851 E. OVID AVENUE

WHEREAS, on November 7, 2005, by Roll Call 05-2651, the City Council approved the subdivision plat titled Brook Run Village Plat 15, located in the vicinity of Park Side Drive and E. Ovid Avenue, to be developed by Gratias Construction, Inc., represented by Tom Gratias, President; and,

WHEREAS, the City required the dedication of a Temporary Easement for Vehicular Turnaround upon the residential lots at 4850 and 4851 E. Ovid Avenue for the purposes of providing adequate public vehicle turnaround on a dead-end street segment of E. Ovid Avenue; and,

WHEREAS, Savannah Homes, LLC, represented by Ted Grob, President, and Gratias Construction, Inc. have requested that the Temporary Easement for Vehicular Turnaround at 4850 and 4851 E. Ovid Avenue be released because the turnaround has presented a substantial obstacle to developing the lots; and,

WHEREAS, the Community Development Director, Fire Chief and Public Works Director recommend approval of the request due to the minimal impact the removal of the turnaround will have on public operations.

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 there is no public need for the Temporary Easement for Vehicular Turnaround proposed to be abandoned, and the public would not be inconvenienced by reason of the abandonment of the easement.
2. The Temporary Easement for Vehicular Turnaround recorded on December 8, 2005, in Book 11434, at Page 787-790, in the office of the Polk County Recorder, upon the portions of 4850 and 4851 E. Ovid Avenue more specifically described as follows, is hereby abandoned and released.

Temporary Turnaround Easement (f) on Lot 22, and Temporary Easement Area (e) on Lot 23, in Brook Run Village Plat 15, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.



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- 3. The City Clerk is hereby authorized and directed to cause a certified copy of this resolution to be forwarded to the Legal Department for release to and recording by Savannah Homes.

( Council Communication No. 15- 290 )

MOVED by Gatto 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	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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.

T. M. Franklin Council Mayor

Diane Fauh City Clerk