RESOLUTION NO. 22-196

A RESOLUTION AUTHORIZING THE PARTIAL RELEASE OF A LEVEE EASEMENT OF LOT 1, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY (THE "OPUS PROPERTY").

WHEREAS, the City is the beneficial interest holder of a Levee Easement dated May 17, 1948, recorded November 24, 1948, in Book 996, Page 543.

WHEREAS, by Warranty Deed dated March 18, 2022, recorded April 11, 2022, as Document No. 2022-05074, the City conveyed to Opus Development Company, L.L.C. ("Opus") that certain real property legally described as follows:

Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County (the "Opus Property").

WHEREAS, the Easement burdens, among additional property, the Opus Property.

WHEREAS, Opus has requested and the City has agreed that the City no longer needs the Opus Property to maintain the levee and the Opus Property should be released from the terms and obligations of the Easement.

WHEREAS, pursuant to the terms of the Easement, the rights contained therein revert back to the fee owner at such time as the need of the City to maintain the levee ceases and the land is no longer needed or required for the purposes set forth in the Easement. The City hereby releases the Opus Property in its entirety from the terms and obligations of the Easement and any and all rights and obligations thereunder shall cease and expire from and after the Effective Date as to the Opus Property. This Partial Release will be governed and construed in accordance with the laws of the State of Iowa.

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

That this City Council does hereby agree to the partial release of the levee easement on the above-described property and releases the Opus Property from the terms and obligations of the Easement.

ADOPTED
AND July 25, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk