

BK: 2022 PG: 2788  
Recorded: 9/22/2022 at 9:58:05.0 AM  
Pages 2  
County Recording Fee: \$12.00  
Iowa E-Filing Fee: \$3.22  
Combined Fee: \$15.22  
Revenue Tax:  
LISA SMITH RECORDER  
Madison County, Iowa

Prepared by: Kate Devine, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa  
50265-0320 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

## RESOLUTION

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A MAJOR MODIFICATION TO ALLOW INSTALLATION OF ADDITIONAL SITE IMPROVEMENTS**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Microsoft Corporation, requests approval of Microsoft DSM 12 Fit-out Major Modification for that property located at 5855 SW Kerry Street and legally described in attached Exhibit 'B' for the purpose of constructing additional site development improvements associated with the Microsoft DSM 12 building; and

**WHEREAS**, studies and investigations were made, and staff reports, and recommendations were submitted which is made a part of this record and herein incorporated by reference; and


**WHEREAS**, the Major Modification complies with findings stated in the applicable provisions of Title 9, Chapter 1, Subsection 8, the Comprehensive Plan and City Code.

**WHEREAS**, on September 12, 2022, the Planning and Zoning Commission recommended to the City Council, by a 6-0 vote, approval of the Major Modification; and

**WHEREAS**, on this day the City Council held a duly noticed meeting to consider the application for the Major Modification.

**NOW, THEREFORE**, The City Council does approve the Microsoft DSM 12 Fit-out Major Modification (MaM-005705-2022), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.


**PASSED AND ADOPTED** on September 19, 2022.

  
\_\_\_\_\_  
Russ Trimble, Mayor

22-09-19-15

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
HUDSON	✓			
LOOTS				✓
HARDMAN	✓			
MCKINNEY	✓			
MOTION BY <i>Trevillyan</i>				
SECOND BY: <i>Hudson</i>				
ROLL CALL # <i>22-490</i>				

ATTEST:

  
 Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on September 19, 2022, by the following vote.

**Exhibit A: Conditions of Approval**

None

**Exhibit B: Legal Description**

OSMIUM WEST PLAT 1:  
 THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BEING A PART OF WEST DES MOINES, MADISON COUNTY, IOWA CONTAINING 38.91 ACRES (1,694,706 SQUARE FEET).

OSMIUM EAST PLAT 1:  
 A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6 AND PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00°19'19" EAST ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 1324.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 89°40'38" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, 2673.30 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 35; THENCE SOUTH 00°07'11" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 436.08 FEET; THENCE SOUTH 02°31'34" WEST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 871.00 FEET; THENCE SOUTH 00°05'52" EAST CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 1330.69 FEET TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE SOUTH 89°28'12" WEST ALONG SAID SOUTH LINE, 2648.62 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE NORTH 00°07'51" EAST ALONG THE WEST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER, 1321.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 161.02 ACRES (7,013,908 SQUARE FEET).