

Date May 6, 2024

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES AND QUITCLAIM OF INTEREST IN EXISTING SANITARY SEWER FACILITIES IN CITY PROPERTY LOCATED EAST OF SE 15<sup>TH</sup> STREET AND NORTH OF E. RAILROAD AVENUE FOR THE WRA NEW MAIN OUTFALL, PHASE 17, SEGMENTS 3 AND 4 PROJECT TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, in accordance with Article XV, Section 3 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”), the WRA has requested a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities (hereinafter “Easement”), as legally described below, in a portions of City property located east of SE 15<sup>th</sup> Street and north of E. Railroad Avenue, Des Moines, Iowa (hereinafter “Property”) for the purpose of constructing, operating, maintaining, repairing, reconstructing and enlarging existing and newly constructed sanitary sewers and necessary appurtenances situated therein for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project; and

**WHEREAS**, in accordance with Iowa Code 364.7(3), no consideration is required for the conveyance of said Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities; and

**WHEREAS**, the conveyance of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities will have no significant impact upon the public use of the City-owned property, and the City will not be inconvenienced by the conveyance of said Easement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across portions of the City property located east of SE 15<sup>th</sup> Street and north of E. Railroad Avenue, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project:

A perpetual sanitary sewer easement located in the North 25.00 feet of vacated Railroad Avenue right-of-way lying South of and adjoining Lots 73 through 90, Gray's Sub-division of Block 61, Brooks and Co's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and located in said Lots 73 through 90, more particularly described as follows:

The North 4.00 feet of that part of said North 25.00 feet of vacated Railroad Avenue lying South of and adjoining said Lots 73 through 90, Gray's Sub-division and the South 16.00 feet of said Lots 73 through 90, Gray's Sub-division, containing 14,241 square feet, more or less.



Roll Call Number

240652

Agenda Item Number

18

Date May 6, 2024

AND

A perpetual sanitary sewer easement located in the North 25.00 feet of vacated Railroad Avenue right-of-way lying South of and adjoining Lots 73 through 90, Gray's Sub-division of Block 61, Brooks and Co's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, and located in said Lots 73 through 90, more particularly described as follows:

All that part of said North 25.00 feet of vacated Railroad Avenue lying South of and adjoining said Lots 73 through 90, Gray's Sub-division, and the South 6.00 feet of said Lots 73 through 90, Gray's Sub-division, containing 22,071 square feet, more or less.

- 2. That the meeting of the City Council at which the conveyance of such Easement is to be considered shall be on May 20, 2024, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
4. There are no proceeds associated with the conveyance of this easement.

Moved by Coleman to adopt. Second by Gatto.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (YEAS: 7).

MOTION CARRIED APPROVED
Connie Breeser Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner
Laura Baumgartner, City Clerk