

Date March 10, 2008

HOLD HEARING TO TRANSFER OWNERSHIP OF CITY-OWNED PROPERTY AT 11015 BEARDSLEY TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE SOUTHERN TIER PUMP STATION PROJECT

WHEREAS, pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA Agreement"), approved and authorized for execution by the City Council on April 19, 2004 pursuant to Roll Call No. 04-844, the Southern Tier Pump Station, acquired by and held in the name of the City of Des Moines and included as part of the Southern Tier Interceptor Project as described in Exhibit 1 to the WRA Agreement, is required to be transferred by the City of Des Moines to the WRA; and

WHEREAS, said provision of the WRA Agreement further provides that upon request of the WRA Board, the City of Des Moines and other Participating Communities shall transfer legal titles to the wastewater conveyance facilities described in Exhibit 1 to the WRA Agreement, including the Southern Tier Interceptor Project, by quit claim deed or other instrument of title as requested by the Board; and

WHEREAS, on September 21, 2004, by Resolution No. 04-055, the WRA Board requested the City of Des Moines and other Participating Communities to transfer to the WRA by quit claim deed and/or by permanent easement, as appropriate, their respective interests in the wastewater conveyance facilities described in Exhibit 1 to the WRA Agreement; and

WHEREAS, the City of Des Moines is required to transfer the Southern Tier Pump Station as requested by the WRA Board pursuant to the WRA Agreement; and

WHEREAS, on February 25, 2008, by Roll Call No. 08-304, it was duly resolved by the City Council that the proposed conveyance of real property at 11015 Beardsley, be set down for hearing on March 10, 2008, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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Date March 10, 2008

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

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property, as described below, are hereby overruled and the hearing is closed.
2. The conveyance of the property described below to the Des Moines Metropolitan Wastewater Reclamation Authority is hereby approved:

DESCRIPTION APPROVED
[Signature]
 3/10/08 11:23

The NE ¼ of the SW ¼ and the North ½ of the SE ¼ of the SW ¼ of Section 2, Township 77 North, Range 24 West of the 5th P.M., all now included in and forming a part of Warren County, Iowa.

Subject to the Underground Electric Line Easement as conveyed by the City of Des Moines to MidAmerican Energy Company.

3. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of this Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Warren County Recorder's Office for the purpose of causing these documents to be recorded.
6. Upon receipt of the recorded documents back from the Warren County Recorder, the Real Estate Division shall maintain the original of the Deed and copies of the other documents and add them to the WRA's permanent land records as part of the City's responsibilities as Operating Contractor for the WRA.
8. This conveyance is without consideration, as authorized under code section 364.7(3) of the Iowa Code.

★ **Roll Call Number**

Agenda Item Number

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WRA Southern Tier Pump Station: Page 3

Date March 10, 2008

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

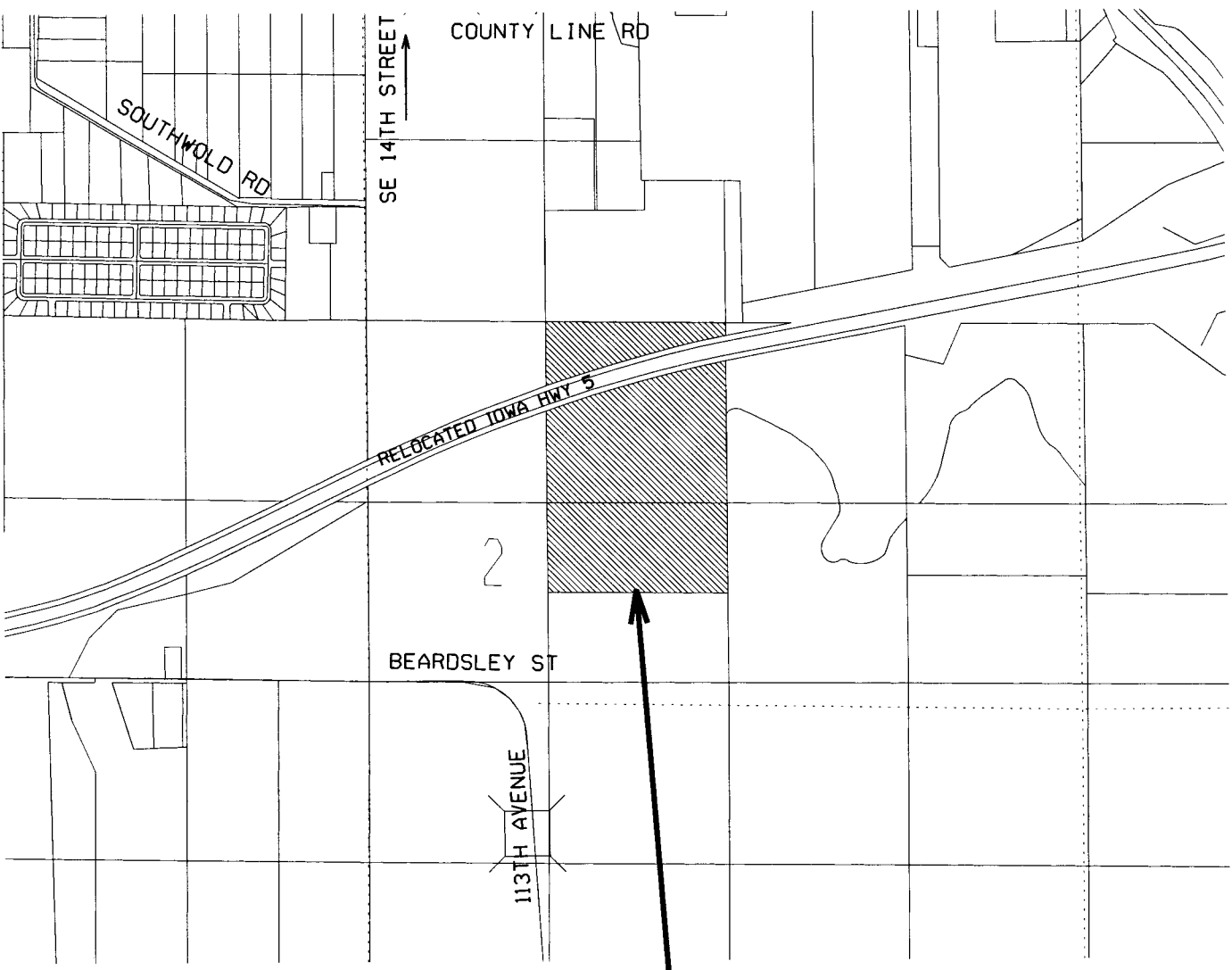
CERTIFICATE

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.

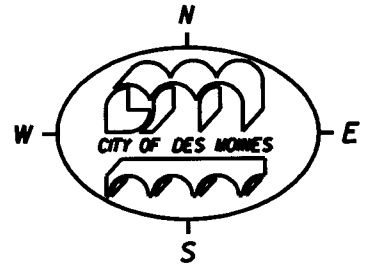
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

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**PROJECT
LOCATION**



**PROPERTY DISPOSITION
DES MOINES WRA
SOUTHERN TIER PUMP STATION
ACT. I.D. 34-2008-033**