

Date May 8, 2006

HOLD HEARING FOR THE CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT FOR CONSTRUCTION OF A PAD-MOUNTED TRANSFORMER SERVING BLANK PARK ZOO TO MIDAMERICAN ENERGY COMPANY FOR \$1.00

WHEREAS, on April 24, 2006, by Roll Call No. 06- 755, it was duly resolved by the City Council that the proposed conveyance of an Underground Electric Line Easement to MidAmerican Energy Company for the construction of a pad-mounted transformer serving Blank Park Zoo, be set down for hearing on May 8, 2006, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this Underground Electric Line Easement 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.

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 easement as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this easement, more specifically described as follows:

An underground electric line easement consisting of a strip of land 10 feet in width, situated in the property described as follows:

Parcel "A" of the Northeast Quarter (NE ¼) of Section 33, Township 78 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa; said Parcel "A" being more particularly described as follows:

Commencing as a point of reference at the Southeast corner of the Northeast ¼ of Section 33, Township 78 North, Range 24 West of the 5th P.M., thence North 89°(Degrees) 44'(Minutes) 06"(Seconds) West, 263.39 feet to the Point of Beginning; thence continuing North 89°44'06" West, 1743.12 feet; thence North 00°36'11" West, 585.53 feet; thence South 89°52'54" East, 1341.54 feet; thence North 00°02'18" East, 20.00 feet; thence South 89°52'54" East, 267.04 feet; thence North 78°11'31" East, 136.69 feet; thence South 00°37'02" East, 638.25 feet to the

DESCRIPTION REVIEWED
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Point of Beginning, all now included in Polk County, Iowa, and containing 1,034,298.94 square feet or 23.74 acres, more or less;

the centerline of said electric easement strip of land being more particularly described as follows: Commencing as a Point of Reference, at the midpoint (or centerline) on the north line of an existing 10-foot wide Underground Electric Line Easement (recorded 1/19/2005 in Book 10906, Pages 877-879 in the office of the Recorder of Polk County, Iowa) located in said Parcel "A" of the NE ¼ of said Section 33; thence southerly along said existing easement centerline a distance of 45 feet, more or less, to the Point of Beginning of the centerline of this new easement strip of land; thence westerly a distance of 30 feet, more or less, to the Point of Terminus at a pad-mounted transformer, as depicted on Exhibit "A", attached hereto and made a part hereof.

This Permanent Easement shall also cover those areas where the location of customer installed conduit deviates from the areas depicted on Exhibit "A".

3. That the granting of an Underground Electric Line Easement to MidAmerican Energy Company for \$1.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:
4. The Mayor is authorized and directed to sign the Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this Easement, 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easement and copies of the other documents to the grantees.
8. There will be no proceeds associated with the conveyance of the Underground Electric Line Easement.

★ Roll Call Number

Agenda Item Number


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Moved by _____ to adopt.

APPROVED AS TO FORM:


 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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