

Date July 9, 2007

**HOLD HEARING FOR THE VACATION AND CONVEYANCE OF WATSON POWELL, JR. WAY BETWEEN 2<sup>ND</sup> AVENUE AND GRAND AVENUE TO MIDAMERICAN ENERGY COMPANY FOR THE PRINCIPAL RIVERWALK PROJECT FOR \$1**

**WHEREAS**, on June 6, 2005, by Roll Call No. 05-1385, the City Council adopted a recommendation from the City Plan and Zoning Commission that Watson Powell, Jr. Way between 2<sup>nd</sup> Avenue and Grand Avenue, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, on November 21, 2005, by Roll Call No. 05-2848, the City Council approved a Chapter 28E Agreement between and among the Des Moines Metropolitan Wastewater Reclamation Authority, the City of Des Moines, and MidAmerican Energy Company for the joint construction of (1) Stage 2 of the Des Moines River outfall and overflow sewer, (2) certain City riverwalk improvements, and (3) a MidAmerican Energy Company electrical duct bank along the west bank of the Des Moines River. Pursuant to this agreement, the City of Des Moines agreed to convey the above property to MidAmerican Energy Company for construction of the Hansen Triangle Plaza. The conveyance of this property is subject to a restriction on the use of the property only for open space and recreational purposes for the use of the general public; and

**WHEREAS**, the grantee identified below is the owner of property abutting such right-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such right-of-way described below; and

**WHEREAS**, on June 18, 2007, by Roll Call No. 07- 1160, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on July 9, 2007, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed vacation and 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 said proposed vacation and conveyance of public right-of-way, as described below, are hereby overruled and the hearing is closed.

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2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of Watson Powell, Jr. Way between 2<sup>nd</sup> Avenue and Grand Avenue, more specifically described as follows:

Lot K in River Hills Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; locally known as Watson Powell, Jr. Way between 2<sup>nd</sup> Avenue and Grand Avenue, Des Moines, Iowa.

3. That the sale and conveyance of such right-of-way, as described below, to MidAmerican Energy Company for \$1, be and is hereby approved:

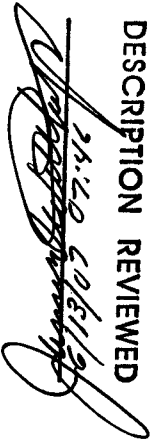
Lot K in River Hills Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; locally known as vacated Watson Powell Jr. Way between 2<sup>nd</sup> Avenue and Grand Avenue, Des Moines, Iowa.

4. Upon final passage of an ordinance vacating the said right-of-way, the City Clerk is authorized and directed to forward the original of the Quit Claim 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.

6. 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 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 Quit Claim Deed and copies of the other documents to the grantee.

8. There will be no proceeds associated with the conveyance of this property.

DESCRIPTION REVIEWED  
24.7.07 6:01/19  


★ Roll Call Number

Agenda Item Number

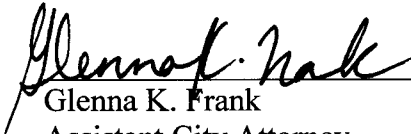
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Principal Riverwalk Project: Page 3

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Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk