

Date July 26, 2010

RESOLUTION OF INTENT TO CONVEY PERMANENT SANITARY SEWER EASEMENTS TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY FOR THE WRA FOUR MILE INTERCEPTOR PROJECTS

WHEREAS, pursuant to Article VII, Section 2 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA Agreement”), approved and authorized for execution by this City Council on April 19, 2004, pursuant to Roll Call No. 04-844, the WRA Board is authorized and directed to undertake construction of Expansion Improvements including the Four Mile Interceptor Improvements Project, a parallel interceptor from the WRF to Broadway Street; and

WHEREAS, by Resolution Nos. 08-164 and 08-164, approved on October 21, 2008 and November 17, 2009, respectively, the WRA Board has approved construction and acquisition of necessary property interests for Four Mile Interceptor – Phase 23, Segments 2 and 3, and Phase 23, Segments 4 and 5 Projects; and

WHEREAS, said WRA Projects require the acquisition of permanent sanitary sewer easements on property owned by the City of Des Moines.

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

1. The City of Des Moines, Iowa declares its intent and proposal to grant permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) in accordance with Iowa Code Section 364.7(3) and in accordance with the WRA Agreement, for the public purpose of construction, operation, maintenance and access to the sanitary sewer facilities in existence and/or to be constructed for the WRA Four Mile Interceptor– Phase 23, Segments 2 and 3 and Phase 23, Segments 4 and 5 Projects, as identified in Exhibit A attached hereto and more fully described in the Acquisition Plats on file in the office of the City Clerk, which easements shall be located on properties owned by the City of Des Moines, including but not limited to public streets, alleys, parks or other City properties.

2. A public hearing shall be held on August 9, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal.

3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

4. There will be no proceeds associated with the conveyance of these permanent easements.

★ Roll Call Number

Agenda Item Number

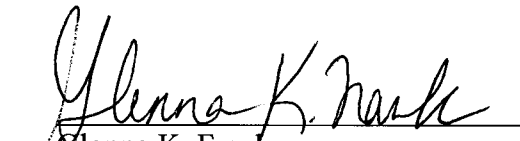
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Date July 26, 2010

Disposition

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

EXHIBIT A

I. WRA FOUR MILE INTERCEPTOR, PHASE 23, SEGMENTS 2 & 3

<u>Location and Type of City-Owned Property</u>	<u>Polk County Tax Parcel No.</u>	<u>Acquisition Plat</u>
(1) Lot 968, Four Mile Plat-Easton Blvd. & E. 38 th Street (Parkland)	060/04637-001-000	PE-3054
(2) Lots H, 555-562, and part of Four Mile Creek in Elmwood Park Plat - E. 39 th Street and Four Mile Drive to E. 40 th Street and Osceola Ave. (Parkland)	060/03173-001-000, 060/03385-000-000	PE-3055
(3) Intersection of E. 38 th Street and Mattem Avenue (Street Right-of-Way)	N/A	PE-3053
(4) A portion of Scott Ave. right-of-way between 4000-4400 Scott Ave. (Street Right-of-Way)	N/A	PE-3020
(5) Outlot "X", Valley High Manor Plat, south of E. University Ave. east of Winegardner Road (Parkland)	050/03304-018-000, 050/03304-093-001	PE-3031
(6) A portion of E. University Ave. northeast of Winegardner Road (Street Right-of-Way)	N/A	PE-3034
(7) Lot H and Lots 36, 37, 48, 49, 59 and Williams Street Right-of-way, Broadacre Plat, northeast of intersection of Williams Street and Dubuque Avenue (Storm Water, Street Right-of-Way)	060/00606-000-000, 060/00605-000-000, 060/00592-001-000, 060/00593-000-000, 060/00591-004-000	PE-3040
(8) Lots A, B and E, Elmwood Park Plat, south of E. Washington Ave. between Williams Street and E. 41 st Street (Storm Water)	060/00548-004-002, 090/00573-002-000, 060/00574-003-000	PE-3042
(9) Lots G, H, N, and 520-534, 546, 571, Elmwood Park Plat, west of and along Four Mile Drive southwest of intersection of	060/03155-001-000, 060/03154-000-000,	PE-3047

	E. Jefferson Ave. and E. 39 th Street (Storm Water)	060/03142-001-000	
(10)	Lots 403 and 404, Elmwood Park Plat, northeast of intersection of E. 38 th St. and E. Jefferson Ave. (Storm Water)	060/03055-000-000, 060/3053-000-000	PE-3048
(11)	West and northwest of intersection of Matern Ave. and E. 38 th Street to Easton Blvd. (Parkland)	060/09383-001-005, 060/09393-002-000	PE-3050
(12)	Lots B, 729-736 and 744, Elmwood Park Plat, south of Osceola Ave. and north of E. Washington Ave. between E. 40 th St. and E 41 st St. (Storm Water)	060/03323-000-000, 060/03324-000-000, 060/03322-000-000, 060/03321-000-000, 060/03320-000-000, 060/03319-000-000, 060/03318-000-000, 060/03317-000-000	PE-3052
(13)	Lots C, D, 703 and 704, Elmwood Park Plat, E. 40 th St. between Osceola Ave. and E. Washington Ave. (Parkland)	060/03290-002-000	PE-3044
II. WRA FOUR MILE INTERCEPTOR, PHASE 23, SEGMENTS 4 & 5			
	<u>Location and Type of City-Owned Property</u>	<u>Polk County Tax Parcel No.</u>	<u>Acquisition Plat</u>
(1)	Lot 955, Four Mile Plat, north of Easton Blvd. between E. 35 th St. and E. 36 th Court along Four Mile Creek (Parkland)	060/04630-001-000	PE-3061A
(2)	Lot 953, Four Mile Plat, north of Easton Blvd. between E. 35 th St. and E. 36 th Court along Four Mile Creek (Parkland)	060/04630-001-000	PE-3061B
(3)	Lot 983, Four Mile Plat, east of 35 th St. north of Thompson Ave. (Parkland)	060/04663-000-000	PE-3065

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| (4) | Lot 1000, Four Mile Plat, south of Hubbell Avenue between E. 33 rd St. and E. 35 th St. (Storm Water) | 060/04683-000-000 | PE-3077 |
| (5) | Lot 931, Four Mile Plat, south of Hubbell Avenue between E. 33 rd St. and E. 35 th St. (Parkland) | 060/04609-000-000 | PE-3082 |
| (6) | North of and a portion of E. Douglas Ave. right-of-way, 3500 E. Douglas Ave. (Street Right-of-way, Parkland) | 060/08963-001-000 | PE-3094A |
| (7) | Lots 346-347, Douglas Acres Plat 3, East of Colfax Ave. between E. Shawnee Ave. and E. Douglas Ave. along Four Mile Creek (Storm Water) | 060/01788-000-000,
060/01789-000-000 | PE-3094B |
| (8) | 4105 Colfax Avenue (Storm Water) | 060/01797-000-000,
060/08977-000-000 | PE-3101 |
| (9) | Lot 991, Four Mile Plat, east of E. 34 th St. (Parkland) | 060/04673-001-000 | PE-3068 |
| (10) | A portion of E. 33 rd Street in the vicinity of Four Mile Creek (Street Right of Way) | N/A | PE-3084 |
| (11) | A portion of Hubbell Ave. at intersection with E. 33 rd St. (Street Right-of-Way) | N/A | PE-3087 |
| (12) | A portion of E. 33 rd Street in the vicinity of Four Mile Creek (Street Right-of-Way) | N/A | PE-3089 |
| (13) | A portion of E. Euclid Avenue in the vicinity of Four Mile Creek (Street Right-of-Way) | N/A | PE-3091 |
| (14) | Lot along Four Mile Creek between E. Douglas Ave. to north, E. Euclid Ave. to south, E. 33 rd Ave. to west and Hubbell Ave. to east (Storm Water) | 060/09088-013-000 | PE-3091B |