

Date July 26, 2010

SET HEARING FOR CORRECTED CONVEYANCE OF A PERMANENT SUBSURFACE WATER MAIN EASEMENT ON CITY-OWNED AIRPORT PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SOUTHWEST 34TH STREET AND RELOCATED ARMY POST ROAD TO DES MOINES WATER WORKS FOR \$1

WHEREAS, Des Moines Water Works is proposing to construct an airport area booster station on the east side of Southwest 34th Street, and has requested a subsurface water main easement "Easement" across City-owned airport property located on the southwest corner of Southwest 34th Street and Relocated Army Post Road; and

WHEREAS, on May 14, 2010, the City received approval from FAA to grant the Easement, more specifically described below, to Des Moines Water Works for mutual benefit in exchange for the more consistent and increased water pressure that the airport will receive from the project; and

WHEREAS, the Easement will be located on airport property that is not needed for direct aviation use, and this conveyance will have no adverse impact on the aeronautical use of the airport.

WHEREAS, on June 28, 2010, by Roll Call No. 10-1063, after notice and public hearing, the City Council intended to approve conveyance of the Easement, but the Roll Call contained an error in the legal description due to a surveyor's error.

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 grant a subsurface water main easement to Des Moines Water Works across City-owned airport property located on the southwest corner of Southwest 34th Street and Relocated Army Post Road, more specifically described below, for \$1:

A parcel of land in and forming a part of Outlot "Z" in Airport Business Park Plat No. 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and recorded in Book 9434, Page 630 of the Office of the Polk County, Iowa Recorder, more particularly described as follows:

Beginning at the northwest corner of said Outlot "Z", said northwest corner being the Point of Beginning; thence South 00° (Degrees) 06' (Minutes) 12" (Seconds) West, a distance of 86.01 feet along the east right-of-way line of S.W. 34th Street to the intersection of said east right-of-way line with the southwesterly Runway Protection Zone line described in the warranty deed to the City of Des Moines, Iowa recorded on April 1, 2005 in Book 10999, Page 579 at the Office of the Polk County, Iowa Recorder; thence South 38° 59' 58" East, a distance of 66.59 feet along said southwesterly Runway Protection Zone line; thence North 00° 06' 12" East, a distance of 137.70 feet to the south right-of-way line of Relocated Army Post Road; thence North 89° 55'

★ Roll Call Number

Agenda Item Number

24

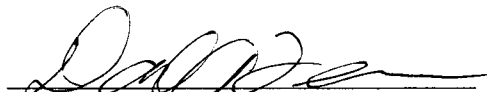
Date July 26, 2010

01" West, a distance of 42.00 feet along the said south right-of-way line of Relocated Army Post Road to the Point of Beginning. This parcel contains 0.11 acres using the coordinate method for area calculation.

- 2. A public hearing will 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 and any other(s) submitted prior to or during the public hearing.
- 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 this Easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Davie A. Ferree
 Assistant City Attorney

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

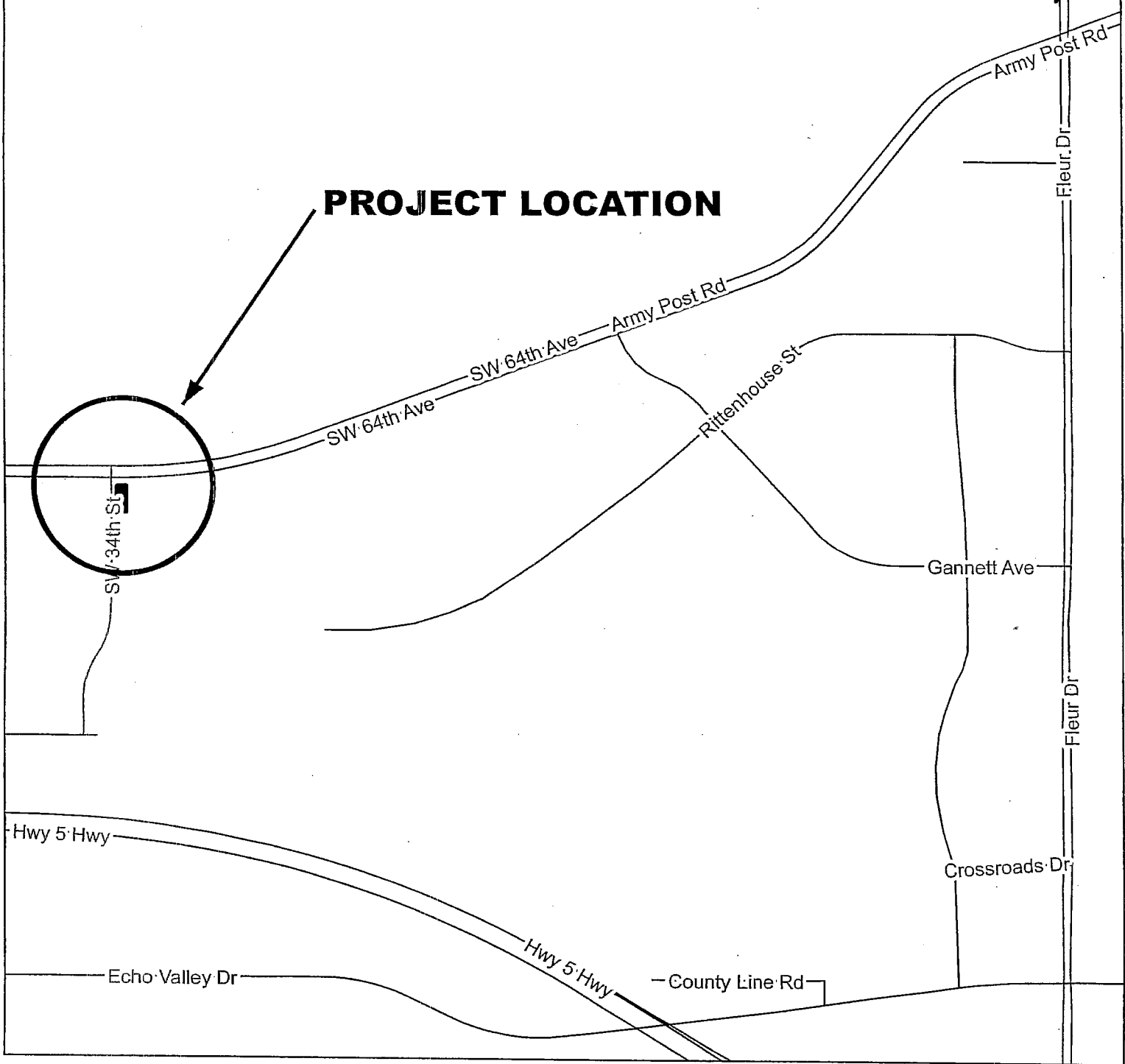
CERTIFICATE

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

PROJECT LOCATION



**DISPOSITION -
SUBSURFACE WATER MAIN EASEMENT
DES MOINES WATER WORKS**

