

Date December 18, 2006

**SET HEARING TO RELEASE A SANITARY SEWER AND WATER MAIN
EASEMENT PREVIOUSLY GRANTED BY THE U.S. ARMY CORPS OF
ENGINEERS TO THE CITY OF DES MOINES IN CONNECTION WITH THE DES
MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY
WEST SIDE BASIN PUMP STATION PROJECT**

WHEREAS, on October 23, 1989, by Roll Call No. 89-4564, the City Council approved the acceptance of a permanent easement for sanitary sewer and water main pipeline in Prospect Park granted by the U.S. Army Corps of Engineers to the City of Des Moines in connection with the West Side Interceptor Sewer Phase 5 – Segment 4D Project; and

WHEREAS, it was later discovered that the legal description contained in that easement was incorrect and that it covered more acres of land than the U.S. Army Corps of Engineers intended; and

WHEREAS, in November, 2006, a new easement for the sanitary sewer pipeline and water main pipeline right-of-way was granted by the U.S. Army Corps of Engineers to the Des Moines Metropolitan Wastewater Reclamation Authority, and it was intended to replace and supercede the easement granted in 1989; and

WHEREAS, the easement granted in 1989 is no longer needed and should be released.

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 release the Easement for Sanitary Sewer and Water Main, bearing the date of October 17, 1989, Contract No. DACW25-2-90-4012, made and executed by the U.S. Army Corps of Engineers, and filed for record on October 27, 1989 in Book 6165, Page 984 in the Polk County Recorder's Office.
2. A public hearing shall be held on January 8, 2007, 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 said proposal and hearing in the form hereto attached, all in accordance with code section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the release of this easement.

★ Roll Call Number

Agenda Item Number

30

Date December 18, 2006

Dispositions – West Side Basin Pump Station Project

Moved by _____ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa

Emily Gould Chafa
Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

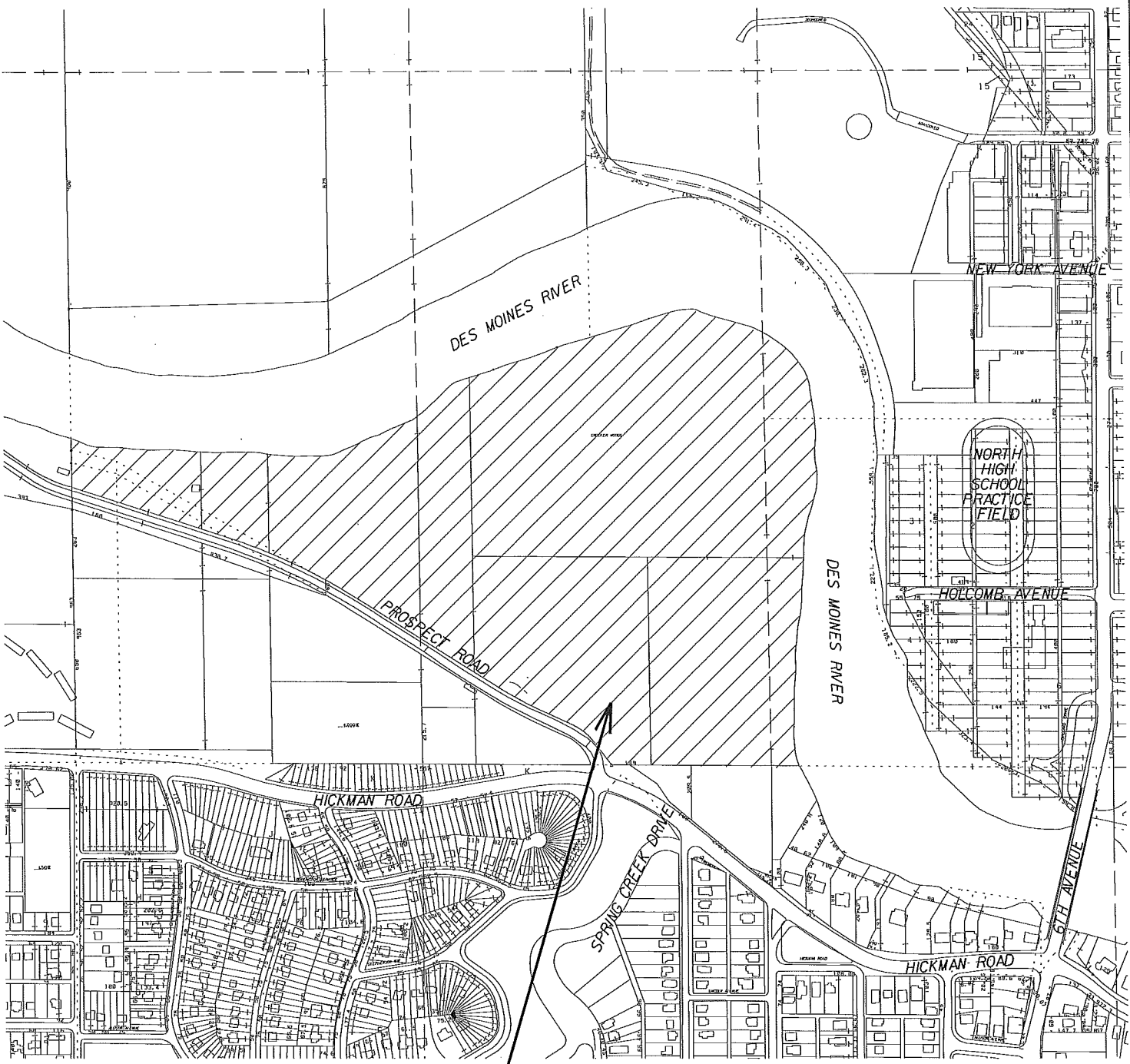
Mayor

CERTIFICATE

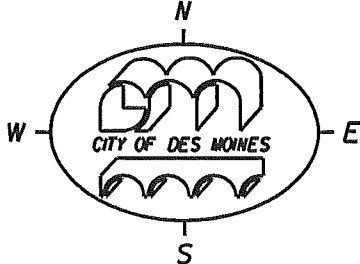
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk



PROPERTY
LOCATION



EASEMENT RELEASE
WRA-WEST SIDE BASIN
PUMP STATION ROW
ACTIVITY I.D. 32-2007-001