

Date..... September 13, 2010.....

**RESOLUTION AUTHORIZING CONVEYANCE OF 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 Wastewater Reclamation Authority (“WRA”) Board is authorized and directed to undertake construction of Expansion Improvements including the Four Mile Interceptor Improvements Project, a parallel interceptor from the Wastewater Reclamation Facility (“WRF”) to Broadway Street; and

**WHEREAS**, by Resolution Nos. 08-164 and 09-85, 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; and

**WHEREAS**, on July 26, 2010, by Roll Call No. 10-1211, it was duly resolved by this City Council that the proposed conveyance to the WRA of permanent sanitary sewer easements for the WRA Four Mile Interceptor – Phase 23, Segments 2 and 3 and Phase 23, Segments 4 and 5 Projects be set down for hearing on August 9, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

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

**WHEREAS**, on August 9, 2010, by Roll Call No. 10- 1319, City Council approved a continuation of the public hearing for said proposal to September 13, 2010; and

**WHEREAS**, in accordance with said notice, those interested in said 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 that:

1. Upon due consideration of the facts and statements of interested persons, if any, all objections to the proposed conveyance of said permanent easements to the WRA are hereby overruled and the hearing is closed.

2. The conveyance by the City of Des Moines of 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,

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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, located on properties owned by the City of Des Moines, including but not limited to public streets, alleys, parks or other City properties, be and is hereby approved.

3. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the permanent easement document on file in the office of the City Clerk for the conveyance identified above.

4. The City Clerk is authorized and directed to forward the original of said easement document, 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.

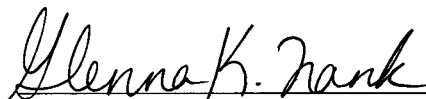
5. The Real Estate Division Manager is authorized and directed to forward the original of the easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder’s Office for the purpose of causing these documents to be recorded.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the permanent easement document and copies of the other documents to the grantee.

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

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 <sup>th</sup> 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 <sup>th</sup> Street and Four Mile Drive to E. 40 <sup>th</sup> Street and Osceola Ave. (Parkland)	060/03173-001-000, 060/03385-000-000	PE-3055
(3) Intersection of E. 38 <sup>th</sup> Street and Mattern 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 <sup>st</sup> 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

(10)	E. Jefferson Ave. and E. 39 <sup>th</sup> Street (Storm Water) Lots 403 and 404, Elmwood Park Plat, northeast of intersection of E. 38 <sup>th</sup> St. and E. Jefferson Ave. (Storm Water)	060/03142-001-000 060/03055-000-000	PE-3048
(11)	West and northwest of intersection of Mattern Ave. and E. 38 <sup>th</sup> 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 <sup>th</sup> St. and E 41 <sup>st</sup> St. (Storm Water)	060/03331-000-000, 060/03324-000-000, 060/03323-000-000, 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 <sup>th</sup> 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 <sup>th</sup> St. and E. 36 <sup>th</sup> 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 <sup>th</sup> St. and E. 36 <sup>th</sup> Court along Four Mile Creek (Parkland)	060/04630-001-000	PE-3061B
(3) Lot 983, Four Mile Plat, east of 35 <sup>th</sup> St. north of Thompson Ave. (Parkland)	060/04663-000-000	PE-3065

(4) Lot 1000, Four Mile Plat, south of Hubbell Avenue between E. 33 <sup>rd</sup> St. and E. 35 <sup>th</sup> St. (Storm Water)	060/04683-000-000	PE-3077
(5) Lot 931, Four Mile Plat, south of Hubbell Avenue between E. 33 <sup>rd</sup> St. and E. 35 <sup>th</sup> 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, 060/01789-000-000 060/01797-000-000, 060/08977-000-000 060/04673-001-000	PE-3094B  PE-3101  PE-3068
(9) Lot 991, Four Mile Plat, east of E. 34 <sup>th</sup> St. (Parkland)		
(10) A portion of E. 33 <sup>rd</sup> 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 <sup>rd</sup> St. (Street Right-of-Way)	N/A	PE-3087
(12) A portion of E. 33 <sup>rd</sup> 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 <sup>rd</sup> Ave. to west and Hubbell Ave. to east (Storm Water)(Property under contract for acquisition by the City of Des Moines)	060/09088-013-000	PE-3091B