

★ **Roll Call Number**

✓
Agenda Item Number

17

.....
Date October 25, 2010

**SET HEARING FOR CONVEYANCE OF A TRANSMISSION LINE EASEMENT ON
CITY-OWNED PROPERTY FOR THE CENTRAL PLACE LEVEE PROJECT TO
MIDAMERICAN ENERGY COMPANY**

WHEREAS, on September 13, 1999, by Roll Call No. 99-2748, the City Council of the City of Des Moines, Iowa entered into an agreement with the Department of the Army for the Des Moines Raccoon Rivers Feasibility Study; and

WHEREAS, on October 12, 2009, by Roll Call No. 09-1833, the City Council approved a Project Partnership Agreement between the City and the Department of the Army for construction of the Des Moines and Raccoon Rivers Project; and

WHEREAS, certain MidAmerican Energy Company underground electric cable is being impacted by the construction of the Central Place Levee and the City has requested that said cable be replaced by MidAmerican Energy Company by an overhead transmission line, for which MidAmerican needs an easement interest across City-owned property; and

WHEREAS, the City will not be inconvenienced by the conveyance of a Transmission Line Easement within City-owned property as described below, and said easement will be conveyed to MidAmerican Energy Company for the consideration of MidAmerican's relocation of the existing underground electric cable for the above-referenced City project.

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 convey a permanent easement in the following described property, as required for the City's levee project, and for the consideration of MidAmerican Energy Company's conversion of its underground electric cable to overhead transmission lines for said project, as follows:

To: MidAmerican Energy Company

A strip of land across Lots 1, 10 and 11, and vacated Michigan Avenue in Block 7, Central Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, said strip is more particularly described as follows:

A 70.00 foot wide strip of land lying 20.00 feet north of and 50.00 feet south of the following described line: Beginning at the northwest corner of said Lot 11, said point also being the southwest corner of said Lot 10, thence east, 455 feet, more or less along the north line of said Lot 11, also being the south line of said Lot 10, and said line extended to the west bank of the Des Moines River, said point being the point of terminus of said easement, with the north and south lines of the easement lengthening

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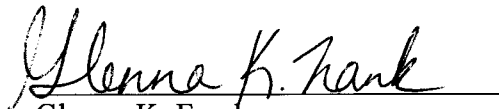
Date October 25, 2010

or shortening to the bank of the Des Moines River. Said easement contains 0.724 acres, more or less.

2. A public hearing shall be held on November 8, 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 said 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 Transmission Line Easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

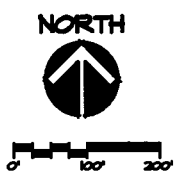
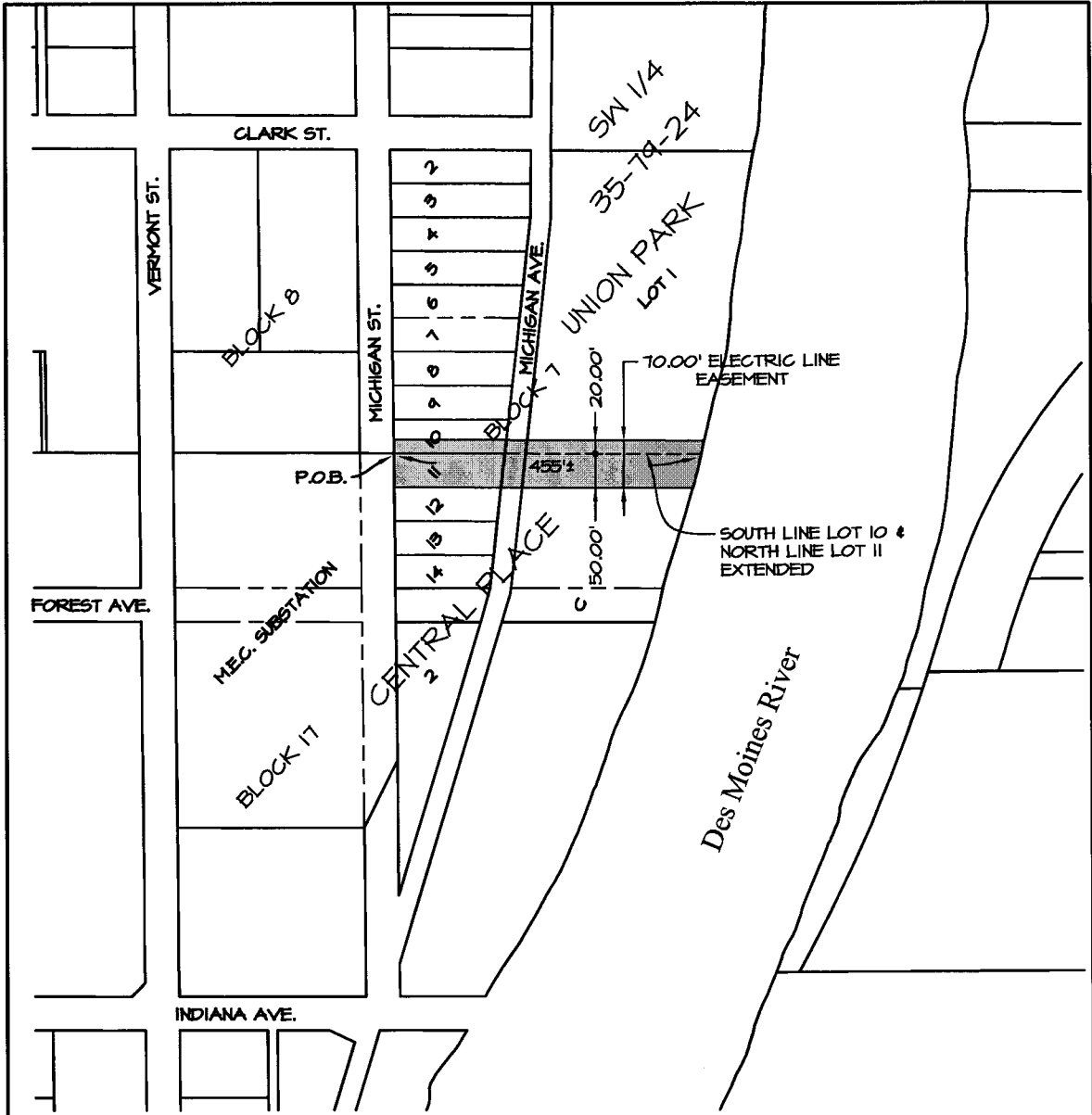
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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



LEGEND

	PARCEL BOUNDARY LINE
	LOT LINES
	ELECTRIC LINE EASEMENT

**ELECTRIC LINE EASEMENT
LEGAL DESCRIPTION**

A STRIP OF LAND ACROSS LOTS I, 10 AND 11, AND VACATED MICHIGAN AVENUE IN BLOCK 7, CENTRAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SAID STRIP IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10.00 FEET WIDE STRIP OF LAND LYING 20.00 FEET NORTH OF AND 50.00 FEET SOUTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NW CORNER OF SAID LOT 11, SAID POINT ALSO BEING THE SW CORNER OF SAID LOT 10, THENCE EAST, 455 FEET, MORE OR LESS ALONG THE NORTH LINE OF SAID LOT 11, ALSO BEING THE SOUTH LINE OF SAID LOT 10, AND SAID LINE EXTENDED TO THE WEST BANK OF THE DES MOINES RIVER, SAID POINT BEING THE POINT OF TERMINUS OF SAID EASEMENT, WITH THE NORTH AND SOUTH LINES OF THE EASEMENT LENGTHENING OR SHORTENING TO THE BANK OF THE DES MOINES RIVER. SAID EASEMENT CONTAINS 0.724 ACRES, MORE OR LESS.

MIDAMERICAN ENERGY COMPANY	
ELECTRIC LINE EASEMENT CITY OF DES MOINES CENTRAL PLACE	
DRAWN BY: MMD	DATE: 10-21-10
CHECKED: MMD	SCALE: 1" = 200'
APPROVED:	APPROVED:
EXHIBIT "A"	
SHEET 1 OF 1	

REGISTER ORDER NO. _____ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF PROPOSAL TO CONVEY EASEMENT IN CITY-OWNED REAL ESTATE

NOTICE IS HEREBY GIVEN, that the City Council of the City of Des Moines, Iowa, has adopted a resolution setting a hearing relating to a proposal to grant a Transmission Line Easement across City-owned property for the Des Moines and Raccoon Rivers (Central Place Levee) Project to Mid American Energy Company, as required by the City for the project and as consideration for MidAmerican Energy Company's conversion of its underground electric cable to overhead transmission lines for said project.

The real estate is legally described below:

A strip of land across Lots 1, 10 and 11, and vacated Michigan Avenue in Block 7, Central Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, said strip is more particularly described as follows:

A 70.00 foot wide strip of land lying 20.00 feet north of and 50.00 feet south of the following described line: Beginning at the northwest corner of said Lot 11, said point also being the southwest corner of said Lot 10, thence east, 455 feet, more or less along the north line of said Lot 11, also being the south line of said Lot 10, and said line extended to the west bank of the Des Moines River, said point being the point of terminus of said easement, with the north and south lines of the easement lengthening or shortening to the bank of the Des Moines River. Said easement contains 0.724 acres, more or less.

NOTICE IS FURTHER GIVEN that the City Council of the City of Des Moines will consider the proposed granting of this easement after a public hearing to be held at 5:00 p.m., in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, on November 8, 2010.

Persons interested in the proposal will be given the opportunity to express their views at that hearing.

Published in the Des Moines Register on _____.