

Date June 13, 2011

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**HEARING FOR CONVEYANCE OF OVERHEAD AND UNDERGROUND ELECTRIC LINE
EASEMENTS ON VARIOUS CITY-OWNED PROPERTIES TO
MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, MidAmerican Energy Company ("MidAmerican") electric transmission lines are required for electric service for the Municipal Service Center at 903 SE 22nd Street, and the Quarantine Building at the Blank Park Zoo, and thus MidAmerican has requested electric line easements across various City-owned properties for these projects; and

WHEREAS, the City of Des Moines needs to grant the requested easements to provide electrical service to these City facilities; and

WHEREAS, on May 23, 2011, by Roll Call No. 11-0888, it was duly resolved by the City Council that the proposed conveyance of the easements be set down for hearing on June 13, 2011, at 5:00 p.m., in the City Council Chambers; and

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

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of these easements, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of these easements on City-owned property, more specifically described as follows:
 - A. A 10-foot overhead and underground electric line easement to MidAmerican Energy Company across City-owned property locally known as 903 SE 22nd Street to provide electrical service for the Municipal Service Center:

That part of Lot 16 in the Official Plat of Section 12, Township 78, Range 24, West of the 5th P.M., lying south of the Chicago, Burlington and Quincy Railroad Company, particularly described as follows: Beginning at a point on the east line of said Lot 16 and on the south line of said right of way; thence south along the east line of said Lot, 399.75 feet; thence west at right angles 796.7 feet more or less, to the west line of said Lot 16; thence north 696.7 feet more or less to the south line of the Chicago, Burlington and Quincy Railroad Company's right of way aforesaid; thence southeasterly along the south line of said right of way to the place of beginning,

AND

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The South 39.71 acres of Lot 16 (Except .34 acres for the C.R.I. & P. Railroad across the Southwest corner of said Lot 16, and Except that part deeded to the City of Des Moines, in Book 5048, Page 633) in the Official Plat of Section 12, Township 78 North, Range 24, West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Said easement being 5 feet on each side of the following described centerline: Beginning at a point 5 feet east of the west property line that is 711 feet, more or less, south of the north property line; thence north for a distance of 360 feet, more or less; thence northeasterly for a distance of 145 feet, more or less to a point 120 feet east of the west property line, to the point of termination.

B. A 10-foot underground electric line easement to MidAmerican Energy Company across City-owned property locally known as 7401 SW 9th Street to provide electrical service for the Quarantine Building at the Blank Park Zoo:

Parcel "A" of the Northeast Quarter (NE1/4) of Section 33, Township 78 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa as described in the quit claim deed from the UNITED STATES OF AMERICA to the CITY OF DES MOINES and recorded in Book 8370, Pages 959-970 in the Polk County Recorder's Office on November 17, 1999 and described as follows:

Commencing as a point of reference at the southeast corner of the northeast ¼ of Section 33, Township 78 North, Range 24 West of the 5th P.M., thence North 89°44'06" West, 263.39 feet to the POINT OF BEGINNING; thence North 89°44'06" West, 1,743.12 feet; thence North 00°36'11" West, 585.53 feet; thence South 89°52'54" East, 1,341.54 feet; thence North 00°02'18" East, 20.00 feet; thence South 89°52'54" East, 267.04 feet; thence North 78°11'31" East, 136.69 feet; thence South 00°37'02" East, 638.25 feet to the POINT OF BEGINNING, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (The aforesaid property is listed on the web site of the Polk County Auditor as GeoParcel 782433-200-016 and described as Parcel "E".)

The center line of said electric line easement being more particularly described as follows:

Beginning at the northern point of terminus of the Underground Electric Line Easement recorded in Book 10906 Page 877-879 of the Polk County Recorder's Office on January 19, 2005; thence easterly 300 feet to an angle point; thence northeasterly to a terminus point which is 75 feet North of and 45 feet East of said angle point.

The aforesaid easement area excludes any ground encroached upon by existing buildings.

3. That the conveyance of the above-described easements to MidAmerican Energy Company for \$1 to provide electrical service to City facilities, be and is hereby approved.

4. The Mayor is authorized and directed to sign the easements for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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5. The City Clerk is authorized and directed to forward the originals of the easements, 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 the documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the originals of the easements, 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the originals of the easement and copies of the other documents to the grantees.
8. There will be no proceeds associated with the conveyance of these easements.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PRW

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.

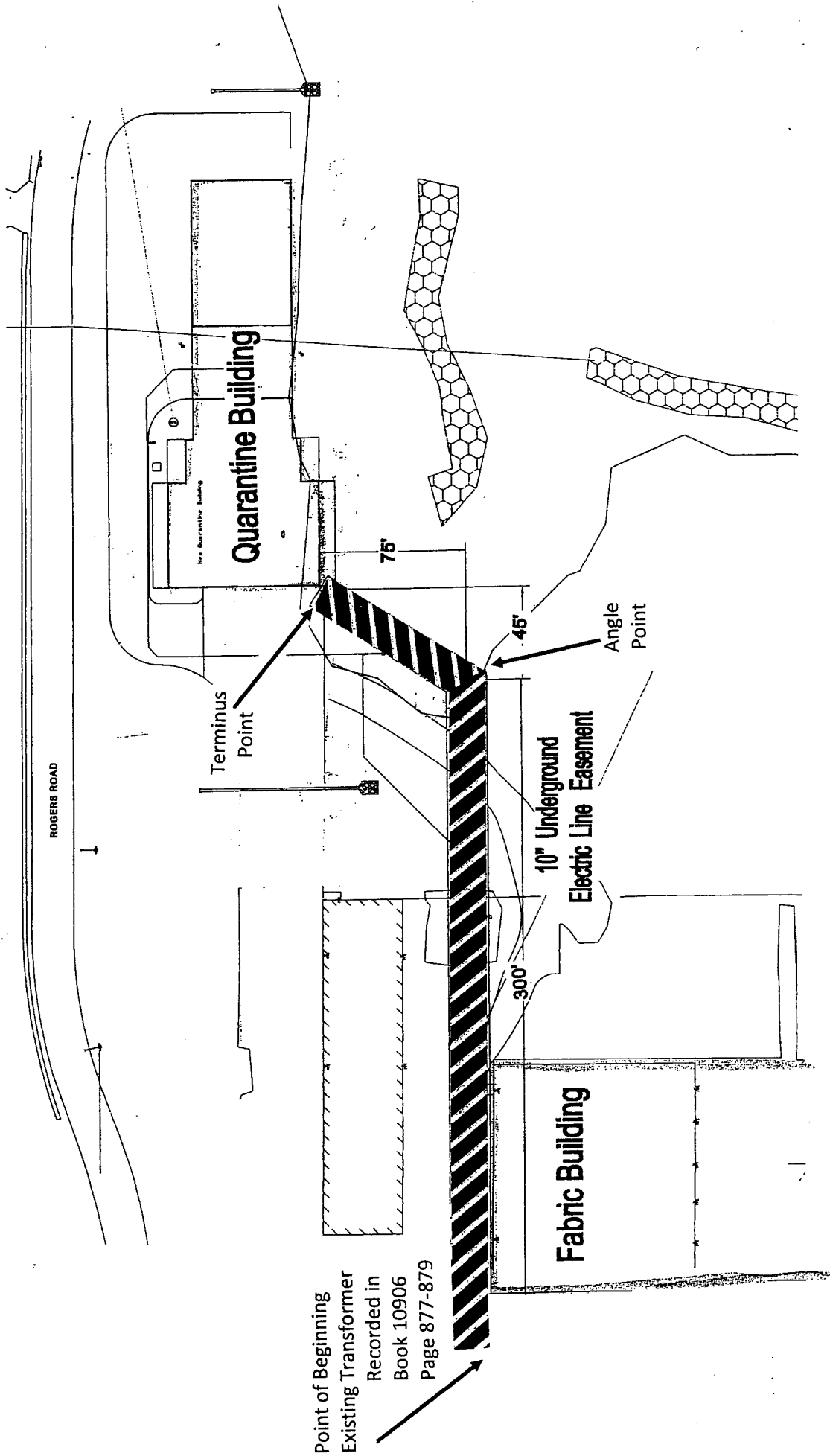
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

**CONVEYANCE OF A 10 FOOT WIDE
OVERHEAD AND UNDERGROUND
ELECTRIC LINE EASEMENT, TO
MIDAMERICAN ENERGY FOR \$1.**



Exhibit "A"



Point of Beginning Existing Transformer Recorded in Book 10906 Page 877-879

	Customer: City of Des Moines Blank Park Zoo	DR 2209677
	Address: 7401SW 9th Street	Date: 4/21/11
Crew HQ: Des Moines, Polk County, Iowa	Sec 33, T78N, R24W	
Job Desc: Underground Electric Line Easement	= Easement Marking	

SS