

Date August 27, 2012

**HEARING FOR CONVEYANCE OF AN OVERHEAD ELECTRIC TRANSMISSION LINE EASEMENT TO MIDAMERICAN ENERGY COMPANY ON CITY-OWNED PROPERTY LOCATED EAST OF SW 59<sup>TH</sup> STREET BETWEEN NORTH VALLEY DRIVE AND WINONA AVENUE FOR THE WRA SW AREA DIVERSION FACILITY – PHASE 22, SEGMENT 5 PUMP STATION PROJECT FOR \$1**

**WHEREAS**, a MidAmerican Energy Company (“MidAmerican”) overhead electric transmission line is needed to service improvements for the Des Moines Metropolitan Wastewater Reclamation Authority’s (WRA) Southwest Area Diversion Facility – Phase 22, Segment 5 Pump Station Project, and thus MidAmerican has requested an easement across City-owned property located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue for the project, and the WRA Consultant and Project Engineer have also requested that the City grant the easement to MidAmerican for the project; and

**WHEREAS**, the City of Des Moines needs to grant the requested easement to provide electrical service to the WRA facilities; and

**WHEREAS**, on August 13, 2012, by Roll Call No. 12-1249, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on August 27, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal to convey the permanent easement 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, that:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of a permanent easement on City-owned property located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of a permanent overhead electric transmission line easement on City-owned property located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue, more specifically described as follows:

A perpetual overhead electric line easement located in part of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 78 North, Range 25 West of the 5<sup>th</sup> P.M., all now included in and

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forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip 10.00 feet in width lying 5.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northwest corner of said Southeast 1/4 of the Southeast 1/4; thence South 89°(degrees) 30'(minutes) 47"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 5.00 feet along the North line of said Southeast 1/4 of the Southeast 1/4 to the point of beginning; thence South 00°03'24" East, 521.63 feet; thence North 90°00'00" East, 656.95 feet to the East line of said West 1/2 of the Southeast 1/4 of the Southeast 1/4, excluding existing perpetual easement recorded in Book 14294 on Page 433 in the Polk County Recorder's Office. Containing 11,724 square feet or 0.27 acres, more or less.

3. That the conveyance of the above-described permanent overhead electric transmission line easement to MidAmerican Energy Company, for \$1 and in consideration of the utility service being provided for the WRA Southwest Area Diversion Facility – Phase 22, Segment 5 Pump Station, be and is hereby approved.
4. The Mayor is authorized and directed to sign the easement for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk 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 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 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the easement and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this easement.

★ Roll Call Number

Agenda Item Number

41

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Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*  
Glenna K. Frank, Assistant City Attorney

*RSN*

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

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North Valley Dr

SW 59th St

Tonka Ave

Winona Ave

**Legend**

 PROJECT LOCATION

