

Date August 11, 2014

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT TO THE  
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY  
FOR THE WRA NEW MAIN OUTFALL, PHASE 17, SEGMENTS 3 AND 4 PROJECT**

**WHEREAS**, on September 21, 2010, by WRA Board Resolution No. 10-150, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Board authorized acquisition of property interests for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project by gift, negotiation or eminent domain; and

**WHEREAS**, in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the WRA, the WRA has requested the City to grant a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property east of Southeast 16<sup>th</sup> Street and south of Maury Street for the above-described project; and

**WHEREAS**, conveyance of this easement will have no significant impact upon the public use of the City-owned property, and the City will not be inconvenienced by the conveyance of said easement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa proposes to convey a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned property east of Southeast 16<sup>th</sup> Street and south of Maury Street, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall Phase 17, Segments 3 and 4 Project:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA, CONVEYED TO THE CITY OF DES MOINES RECORDED IN BOOK 4241 ON PAGE 254 IN THE POLK COUNTY RECORDER'S OFFICE. SAID PERPETUAL EASEMENT BEING A STRIP EASEMENT 30.00 FEET IN WIDTH LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE EAST 1/4 CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA; THENCE NORTH 00°(DEGREES) 16'(MINUTES) 07"(SECONDS) WEST (ALL BEARINGS REFERENCED TO GRID NORTH IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE), 359.11 FEET ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 89°43'53" WEST, 970.81 FEET TO THE EAST LINE OF SAID CITY PROPERTY RECORDED IN BOOK 4241 ON PAGE 254, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 77°37'20" WEST, 1,128.01 FEET TO THE EAST LINE OF PARCEL 3B AS RECORDED IN BOUNDARY SURVEY RECORDED IN BOOK 9750 ON PAGE 436 IN SAID COUNTY RECORDER'S OFFICE. CONTAINING 34,196 SQUARE FEET, MORE OR LESS.

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THAT PART OF LOTS 15 AND 16 IN THE OFFICIAL PLAT OF SECTION 12, AND THAT PART OF LOT 3 IN THE OFFICIAL PLAT OF THE

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NORTHEAST QUARTER (NE 1/4) OF SECTION 11, ALL IN TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., POLK COUNTY, IOWA, AS CONVEYED TO THE CITY OF DES MOINES IN BOOK 13811 ON PAGE 615 AND IN BOOK 5048 ON PAGE 633 IN THE POLK COUNTY RECORDER'S OFFICE. SAID PERPETUAL EASEMENT BEING A STRIP EASEMENT 30.00 FEET IN WIDTH LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE WEST 1/4 CORNER OF SAID SECTION 12; THENCE NORTH 00°(DEGREES) 16'(MINUTES) 07"(SECONDS) WEST (ALL BEARINGS REFERENCED TO GRID NORTH IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE), 148.47 FEET ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 12; THENCE SOUTH 89°43'53" WEST, 32.00 FEET TO THE WEST LINE OF THE EAST 32.00 FEET OF THE SOUTH 199.75 FEET OF SAID LOT 3, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 77°37'20" EAST, 1,466.48 FEET; THENCE NORTH 90°00'00" EAST, 130.97 FEET TO THE EAST LINE OF SAID LOT 15. CONTAINING 47,924 SQUARE FEET, MORE OR LESS.

2. That the meeting of the City Council at which the conveyance of such easement is to be considered shall be on August 25, 2014, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That 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 easement.

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

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

