

Date August 25, 2014

**HOLD HEARING FOR CONVEYANCE OF PERMANENT EASEMENTS TO THE
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY
AND DES MOINES WATER WORKS FOR THE WRA NEW MAIN OUTFALL,
PHASE 17, SEGMENTS 5 AND 6 PROJECT**

WHEREAS, on November 15, 2011, by WRA Board Resolution No. 11-168, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Board authorized acquisition of property interests for the WRA New Main Outfall, Phase 17, Segments 5 and 6 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 Water Main Right-of-Way to Des Moines Water Works and a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to WRA across City-owned property from Southeast 16th Street westerly to the Des Moines River, for the above-described project; and

WHEREAS, conveyance of these easements 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 easements; and

WHEREAS, on August 11, 2014, by Roll Call No. 14-1217, it was duly resolved by the City Council that the proposed conveyance of such easements be set down for hearing on August 25, 2014, at 5:00 p.m., in the City Council Chambers; and

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of easements across City-owned property, as described below, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to Des Moines Water Works of a Permanent Easement for Water Main Right-of-Way across City-owned property from Southeast 16th Street westerly to the Des

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Moines River, as legally described below, for public use in accordance with Iowa Code Section 364.7(3), for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:

A PERPETUAL WATER MAIN EASEMENT LOCATED IN LOT 1, BLOCK 65, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 74°(DEGREES) 57'(MINUTES) 07"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 56.61 FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 65°57'24" WEST, 72.70 FEET TO THE WEST LINE OF SAID LOT 1. CONTAINING 1,450 SQUARE FEET, MORE OR LESS. (PE-2760)

AND

A PERPETUAL WATER MAIN EASEMENT LOCATED IN LOTS 13 AND 14, BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 74°(DEGREES) 59'(MINUTES) 10"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 4.70 FEET ALONG THE NORTH LINE OF SAID LOT 13 TO THE POINT OF BEGINNING; THENCE SOUTH 62°40'38" EAST, 136.36 FEET; THENCE SOUTH 65°57'25" EAST, 13.65 FEET TO THE SOUTH LINE OF SAID LOT 14. CONTAINING 2,895 SQUARE FEET, MORE OR LESS. (PE-2761)

AND

A PERPETUAL WATER MAIN EASEMENT LOCATED IN LOT 1, BLOCK 9, SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 43°(DEGREES) 01'(MINUTES) 11"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 52.07 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE SOUTH 79°24'36" WEST, 24.81 FEET;

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THENCE NORTH 55°35'24" WEST, 67.73 FEET TO THE NORTH LINE OF SAID LOT 1. CONTAINING 1,851 SQUARE FEET, MORE OR LESS. (PE-2762)

AND

A PERPETUAL WATER MAIN EASEMENT LOCATED IN LOT 3, BLOCK O, SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 46°(DEGREES) 07'(MINUTES) 33"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 35.64 FEET ALONG THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE SOUTH 43°47'40" EAST, 66.11 FEET TO THE SOUTH LINE OF SAID LOT 3. CONTAINING 1,322 SQUARE FEET, MORE OR LESS. (PE-2763)

AND

A PERPETUAL WATER MAIN EASEMENT LOCATED IN BLOCK P, SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOCATED IN PART OF VACATED SE 1ST STREET LYING SOUTHWEST AND ADJACENT TO SAID BLOCK P AND LYING NORTHEAST OF THE TOP OF BANK OF THE DES MOINES RIVER, ALL LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF E. MARTIN LUTHER KING JR. PARKWAY AND EXCLUDING REMAINING ALLEY IN SAID BLOCK P. SAID PERPETUAL EASEMENT BEING A STRIP 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK P, SCOTT & DEANS ADDITION; THENCE NORTH 45°(DEGREES) 51'(MINUTES) 54"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 12.96 FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 70°09'13" WEST, 175.46 FEET; THENCE NORTH 90°00'00" WEST, 139.45 FEET TO THE TOP OF BANK OF SAID DES MOINES RIVER. CONTAINING 5,622 SQUARE FEET, MORE OR LESS. (PE-2764)

- 3. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property from Southeast 16th Street westerly to the Des Moines River, 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

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for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN LOT 1, BLOCK 65, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 14°(DEGREES) 49'(MINUTES) 03"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 56.00 FEET ALONG THE WEST LINE OF SAID LOT 1 TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 74°56'44" EAST, 19.18 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 65°57'24" EAST, 88.80 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE SOUTH 74°57'07" WEST, 88.33 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 3,010 SQUARE FEET, MORE OR LESS. (PE-2756)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN LOT 1 AND LOT 2, BLOCK 9, SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 50.00 FEET IN WIDTH LYING 25.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 43°(DEGREES) 01'(MINUTES) 11"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 28.07 FEET ALONG THE NORTHEAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY, 71.85 FEET ALONG A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 78.00 FEET, A CENTRAL ANGLE OF 52°46'47" AND A CHORD BEARING OF NORTH 81°58'47" WEST, 69.34 FEET; THENCE NORTH 55°35'24" WEST, 50.43 FEET TO THE NORTHWEST LINE OF SAID LOT 1. CONTAINING 6,106 SQUARE FEET, MORE OR LESS. (PE-2757)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN BLOCK P, SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOCATED IN PART OF VACATED SE 1ST STREET LYING SOUTHWEST AND ADJACENT TO SAID BLOCK P AND LYING NORTHEAST OF THE TOP OF BANK OF THE DES MOINES RIVER, ALL LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF E. MARTIN LUTHER KING JR. PARKWAY AND EXCLUDING REMAINING ALLEY IN SAID BLOCK P. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, SAID BLOCK P, SCOTT & DEANS ADDITION; THENCE NORTH 61°(DEGREES) 38'(MINUTES) 12"(SECONDS) (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 43.89 FEET TO THE NORTHEAST LINE OF LOT 13, SAID BLOCK P; THENCE NORTH 75°43'34" WEST, 108.25 FEET; THENCE NORTH 90°00'00" WEST, 32.06 FEET; THENCE NORTH 83°45'16" WEST, 109.27 FEET TO THE TOP OF BANK OF SAID DES MOINES RIVER; THENCE NORTH 50°07'38" WEST, 30.49 FEET ALONG SAID TOP OF BANK TO SAID SOUTH RIGHT-OF-WAY OF E. MARTIN LUTHER KING JR. PARKWAY; THENCE SOUTH 89°27'41" EAST, 235.98 FEET ALONG SAID SOUTH RIGHT-OF-WAY; THENCE NORTH 46°07'37" EAST, 7.79 FEET ALONG SAID SOUTH RIGHT-OF-WAY; THENCE SOUTH 72°12'54" EAST, 73.05 FEET; THENCE SOUTH 41°19'27" EAST, 40.22 FEET TO THE SOUTHEAST LINE OF LOT 1, SAID BLOCK P; THENCE SOUTH 45°51'54" WEST, 42.40 FEET ALONG SAID SOUTHEAST LINE TO THE POINT OF BEGINNING. CONTAINING 10,193 SQUARE FEET, MORE OR LESS. (PE-2758)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN LOTS 13 AND 14, BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 50.00 FEET IN WIDTH LYING 25.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 13; THENCE NORTH 74°(DEGREES) 59'(MINUTES) 10"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 32.56 FEET ALONG THE NORTH LINE OF SAID LOT 13 TO THE POINT OF BEGINNING; THENCE SOUTH 62°46'26" EAST, 128.41 FEET TO THE SOUTH LINE OF SAID LOT 14. CONTAINING 6,189 SQUARE FEET, MORE OR LESS. (PE-2759)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO A 25 FOOT STRIP OF VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO BLOCK 60, BROOK'S AND CO'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND LOCATED IN THE SE 16TH STREET RIGHT-OF-WAY LYING WEST AND ADJACENT TO SAID BLOCK 60 LYING NORTH OF SAID RAILROAD AVENUE RIGHT-OF-WAY. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 7.00 FEET OF SAID EAST RAILROAD AVENUE RIGHT-OF-WAY EXTENDED WESTERLY TO THE WEST RIGHT-OF-WAY LINE OF SAID SE 16TH STREET AND THE SOUTH 31.00 FEET OF SAID SE 16TH STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RAILROAD AVENUE. CONTAINING 7,963 SQUARE FEET. (PE-6036)

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AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO A 25 FOOT STRIP OF VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO LOTS 73 THROUGH 90 GRAY'S SUB-DIVISION OF BLOCK 61, BROOK'S AND CO'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND LOCATED IN THE SE 15TH STREET RIGHT-OF-WAY LYING WEST AND ADJACENT TO SAID LOTS AND SAID VACATED RAILROAD AVENUE RIGHT-OF-WAY. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 7.00 FEET OF SAID EAST RAILROAD AVENUE RIGHT-OF-WAY EXTENDED WESTERLY TO THE WEST RIGHT-OF-WAY LINE OF SAID SE 15TH STREET AND THE SOUTH 31.00 FEET OF SAID SE 15TH STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RAILROAD AVENUE. CONTAINING 8,024 SQUARE FEET. (PE-6037)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE EAST RAILROAD AVENUE AND VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO A 25 FOOT STRIP OF VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY LYING SOUTH AND ADJACENT TO LOTS 99 AND 100 AND LOTS 137 AND 138, GRAY'S SUB-DIVISION OF BLOCKS 50 AND 62, BROOK'S AND CO'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOCATED IN THE SE 14TH COURT RIGHT-OF-WAY LYING BETWEEN SAID LOTS 100 AND 137 AND SAID VACATED EAST RAILROAD AVENUE, AND LOCATED IN THE SE 14TH STREET RIGHT-OF-WAY LYING WEST AND ADJACENT TO SAID LOT 99 AND SAID VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 7.00 FEET OF SAID EAST RAILROAD AVENUE AND VACATED EAST RAILROAD AVENUE RIGHT-OF-WAY FROM THE WEST RIGHT-OF-WAY LINE OF SAID SE 15TH STREET WEST TO THE WEST RIGHT-OF-WAY LINE OF SAID SE 14TH STREET, AND THE SOUTH 31.00 FEET OF SAID SE 14TH COURT LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RAILROAD AVENUE, AND THE SOUTH 41.00 FEET OF SAID SE 14TH STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID EAST RAILROAD AVENUE. CONTAINING 10,971 SQUARE FEET. (PE-6038)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE SE 11TH STREET RIGHT-OF-WAY FROM VACATED VALE STREET THROUGH RAILROAD AVENUE, ALL IN ALLEN'S SECOND ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE

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CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 NORTHEAST CORNER OF LOT 10, BLOCK 6 IN SAID ALLEN'S SECOND ADDITION; THENCE NORTH 14°(DEGREES) 48'(MINUTES) 53"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSES OF THIS DESCRIPTION ONLY), 44.04 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SE 11TH STREET TO THE POINT OF BEGINNING; THENCE NORTH 74°59'57" EAST, 28.89 FEET; THENCE SOUTH 14°51'40" EAST, 423.59 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF RAILROAD AVENUE. CONTAINING 13,574 SQUARE FEET. (PE-6039)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE VALE STREET RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SE 10TH STREET TO THE EAST RIGHT-OF-WAY LINE OF SE 8TH STREET, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 NORTHWEST CORNER OF LOT 1, BLOCK 6 IN ALLEN'S SECOND ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 14°(DEGREES) 48'(MINUTES) 53"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSES OF THIS DESCRIPTION ONLY), 43.75 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 10TH STREET TO THE POINT OF BEGINNING; THENCE SOUTH 74°59'57" WEST, 759.64 FEET TO SAID EAST RIGHT-OF-WAY LINE OF SE 8TH STREET. CONTAINING 22,789 SQUARE FEET. (PE-6040)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE VALE STREET RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF SE 8TH STREET TO THE WEST RIGHT-OF-WAY LINE OF SE 6TH STREET, EXCLUDING LOT 1, BLOCK 65, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 SOUTHWEST CORNER OF LOT 1, BLOCK 63 IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 13°(DEGREES) 58'(MINUTES) 53"(SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSES OF THIS

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DESCRIPTION ONLY), 35.76 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID SE 8TH STREET TO THE POINT OF BEGINNING; THENCE SOUTH 74°59'57" WEST, 724.55 FEET; THENCE NORTH 65°57'25" WEST, 194.19 FEET TO SAID WEST RIGHT-OF-WAY LINE OF SE 6TH STREET. CONTAINING 26,511 SQUARE FEET. (PE-6041)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN LOTS 13 AND 14, BLOCK 80, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 SOUTHEAST CORNER OF SAID LOT 14; THENCE NORTH 14°(DEGREES) 50'(MINUTES) 23"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 50.22 FEET ALONG THE EAST LINE OF SAID LOT 14 TO THE POINT OF BEGINNING; THENCE NORTH 62°46'26" WEST, 128.41 FEET TO THE NORTH LINE OF SAID LOT 13. CONTAINING 3,832 SQUARE FEET, MORE OR LESS. (PE-6042)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE SE 2ND STREET RIGHT-OF-WAY LYING WEST AND ADJACENT TO BLOCK 80, TOWN OF DE MOINE AND BLOCK 8, SCOTT & DEANS ADDITION, AND LYING EAST AND ADJACENT TO BLOCK 79, TOWN OF DE MOINE AND BLOCK 9, SCOTT & DEANS ADDITION, BOTH OFFICIAL PLATS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 SOUTHWEST CORNER OF LOT 11 SAID BLOCK 80, TOWN OF DES MOINES; THENCE NORTH 44°(DEGREES) 37'(MINUTES) 43"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 12.53 FEET ALONG THE WEST LINE OF SAID LOT 11 TO THE POINT OF BEGINNING; THENCE NORTH 62°46'26" WEST, 66.48 FEET; THENCE NORTH 43°00'21" WEST, 163.82 FEET; THENCE NORTHWESTERLY, 95.02 FEET ALONG A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 78.00 FEET, A CENTRAL ANGLE OF 69°47'48" AND A CHORD BEARING OF NORTH 77°54'15" WEST, 89.25 FEET TO THE EAST LINE OF LOT 1 SAID BLOCK 9, SCOTT & DEANS ADDITION. CONTAINING 9,759 SQUARE FEET, MORE OR LESS. (PE-6043)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE ALLEN STREET RIGHT-OF-WAY LYING BETWEEN BLOCK O AND BLOCK 9, AND LYING IN PART OF THE ALLEY IN

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SAID BLOCK O, AND LYING IN THE DEAN AVENUE RIGHT-OF-WAY BETWEEN SAID BLOCK O AND BLOCK P, AND LYING IN PART OF THE ALLEY IN SAID BLOCK P, ALL IN SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING A STRIP 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 NORTHEAST CORNER OF LOT 1, SAID BLOCK 9; THENCE SOUTH 46°(DEGREES) 07'(MINUTES) 34"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 54.58 FEET ALONG THE NORTHWEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE NORTH 55°35'24" WEST, 223.76 FEET; THENCE NORTH 41°19'27" WEST, 225.63 FEET; THENCE NORTH 72°12'54" WEST, 66.42 FEET TO THE NORTHEAST LINE OF LOT 12 SAID BLOCK P. CONTAINING 5,486 SQUARE FEET, MORE OR LESS. (PE-6044)

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE E. MARTIN LUTHER KING JR. PARKWAY RIGHT-OF-WAY LYING PARTLY IN BLOCK P IN SCOTT & DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHWEST CORNER OF LOT 14, SAID BLOCK P; THENCE NORTH 43°(DEGREES) 01'(MINUTES) 12"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 118.00 FEET ALONG THE NORTHEAST LINE OF SAID LOT 14 AND ALONG THE NORTHEAST LINES OF LOT 13 AND LOT 12 IN SAID BLOCK P TO THE INTERSECTION OF SAID NORTHEAST LOT LINE AND THE SOUTH RIGHT-OF-WAY OF SAID E. MARTIN LUTHER KING JR. PARKWAY, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89°27'41" WEST, 216.66 FEET ALONG SAID SOUTH RIGHT-OF-WAY TO THE TOP OF BANK OF THE DES MOINES RIVER; THENCE NORTH 50°07'38" WEST, 36.35 FEET ALONG SAID TOP OF BANK; THENCE NORTH 90°00'00" EAST, 104.41 FEET; THENCE NORTH 44°36'00" EAST, 55.99 FEET; THENCE SOUTH 45°24'00" EAST, 31.44 FEET; THENCE SOUTH 72°12'54" EAST, 39.23 FEET; THENCE SOUTH 17°47'06" WEST, 14.53 FEET; THENCE SOUTH 69°10'42" EAST, 48.71 FEET TO THE POINT OF BEGINNING. CONTAINING 6,709 SQUARE FEET, MORE OR LESS. (PE-6045)

4. That the conveyance by the City of Des Moines of said easements to the Des Moines Water Works and the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), respectively, for public use and 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 5 and 6 Project, be and is hereby approved.

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5. The Mayor is authorized and directed to sign the Permanent Easements for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
6. 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 said documents to be recorded.
7. 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.
8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the originals of the Easements and copies of the other documents to the grantees.
9. There will be no proceeds associated with the conveyance of these easements.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

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

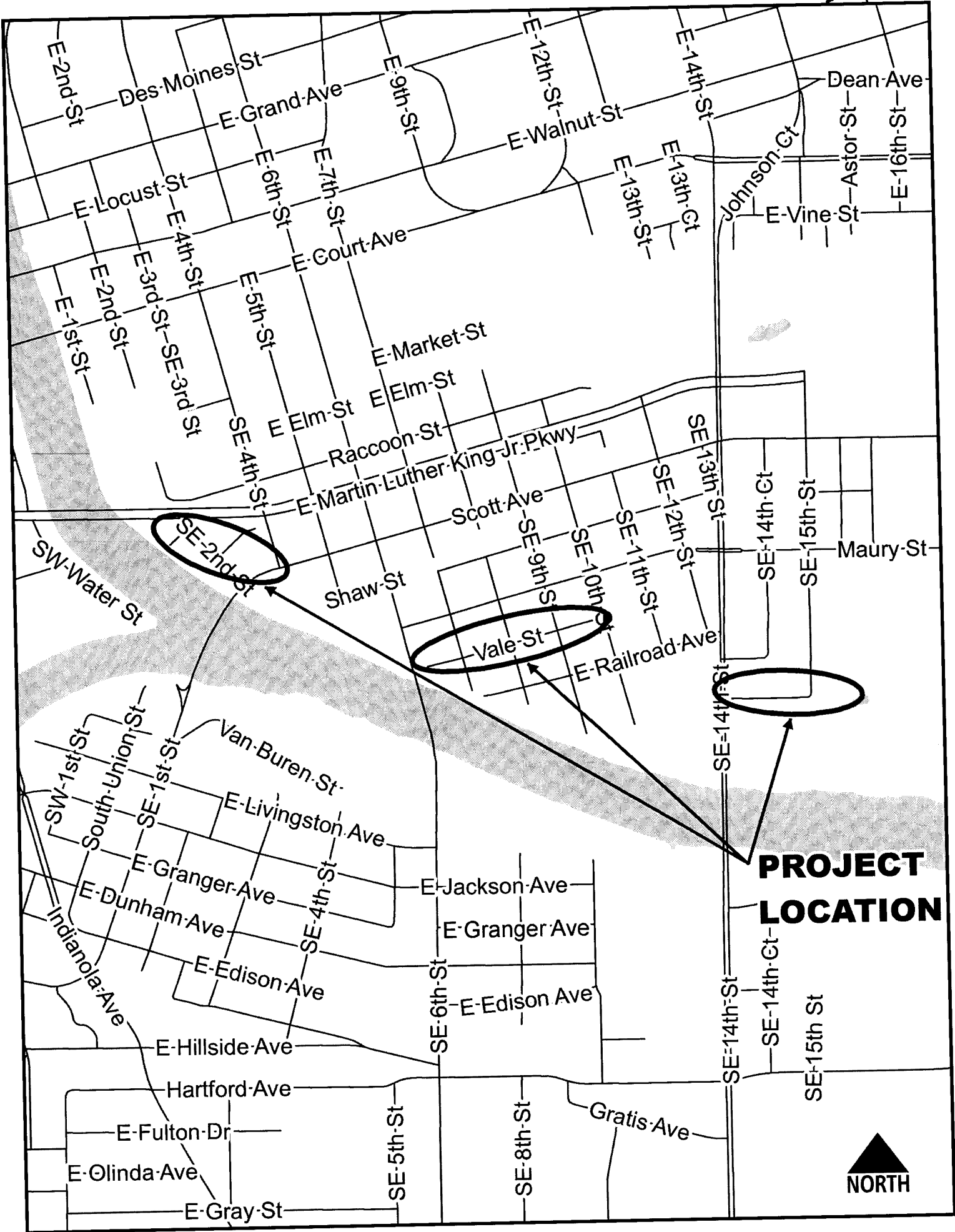
MOTION CARRIED APPROVED
 _____ Mayor

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



PROJECT LOCATION

