

Date May 7, 2018

**HOLD HEARING FOR APPROVAL OF CORRECTED QUIT CLAIM DEED AND APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 2 WITH THE UNITED STATES ARMY CORPS OF ENGINEERS FOR ASSIGNMENT OF THE WESTSIDE EQUALIZATION BASIN AND PUMP STATION EASEMENT AT PROSPECT PARK TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, on November 8, 2004, by Roll Call No. 04-2435, the City Council of the City of Des Moines, Iowa (“City”) approved conveyance of certain sanitary interceptor sewers, wastewater detention basins and pumping stations at Prospect Park (“Property”) by the City to the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”); and

**WHEREAS**, upon recording of the Quit Claim Deed transferring the property to the WRA it was determined that the description of one of the properties as set forth in the Quit Claim Deed contained a scrivener’s error which must be corrected in order to properly effectuate the conveyance to the WRA; and

**WHEREAS**, the proposed Corrected Quit Claim Deed corrects said scrivener’s error; and

**WHEREAS**, on August 21, 1989, by Roll Call No. 89-3620, the City Council of the City of Des Moines, Iowa approved acceptance of an Easement for Wastewater Equalization Basin and Pump Station Contract No. DACW25-2-89-4187 (“Easement”) from the Department of the Army Corps of Engineers for the Westside Equalization Basin and Pump Station Project in Prospect Park; and

**WHEREAS**, the City subsequently requested that the Easement be amended by virtue of Supplemental Agreement No. 1 to authorize the construction, operation and maintenance of the improvements to the existing berm on Tract No. 1930; and

**WHEREAS**, the WRA has requested that the Easement be assigned from the City of Des Moines, Iowa to the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”); and

**WHEREAS**, the proposed Supplemental Agreement No. 2 with the Army Corps of Engineers assigns the City’s interest in the Easement to the WRA; and

**WHEREAS**, on April 23, 2018, by Roll Call No. 18-0689, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on May 7, 2018, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the Corrected Quit Claim Deed and approve Supplemental Agreement No. 2 was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

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**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyances, 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 conveyances, 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 Corrected Quit Claim Deed to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), for the purpose of correcting the Quit Claim Deed filed on November 29, 2004, in Book 10838 Page 377 in the Polk County Recorder's Office, to convey certain sanitary interceptor sewers, wastewater detention basins and pumping stations authorized pursuant to an easement recorded in Book 6140, Page 62 in the Polk County Recorder's Office, and said conveyance be and is hereby approved.
3. Supplemental Agreement No. 2 Easement for Wastewater Equalization Basin and Pump Station Contract No. DACW25-2-89-4187, which assigns the City's interest in said easement to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), recommended for approval and acceptance by the Real Estate Division of the Engineering Department and on file in the office of the City Clerk, be and is hereby approved and accepted.
4. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed and the Supplemental Agreement No. 2 for the conveyances as 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 Corrected Quit Claim Deed, 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 document to be recorded.
6. The City Clerk is authorized and directed to forward the original of the Supplemental Agreement No. 2 to the Director of the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for acceptance.
7. The Real Estate Division Manager is authorized and directed to forward the original of the Corrected Quit Claim Deed, 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 the document to be recorded.

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8. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Corrected Quit Claim Deed and copies of the other documents to the grantee.

9. There are no proceeds associated with this action.

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

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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