



Date March 25, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 1601 COUNTY LINE ROAD TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY FOR THE SOUTHERN TIER INTERCEPTOR AND EQUALIZATION BASIN PHASE 10 – SEGMENT 2 PROJECT

WHEREAS, pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA Agreement"), approved and authorized for execution by the City Council of the City of Des Moines on April 19, 2004, pursuant to Roll Call No. 04-844, the existing wastewater conveyance facilities described in Exhibit 1 to said Agreement, acquired by and held in the name of the Participating Communities, were deemed transferred to the WRA upon the date the WRA issued bonds to defease bonds issued by the City of Des Moines for the construction or improvement of such facilities; and

WHEREAS, the City of Des Moines owns property located at 1601 County Line Road, Des Moines, Iowa ("Property"), upon which wastewater conveyance facilities were originally constructed as part of the Southern Tier Interceptor Pump Station and Equalization Basin Phase 10 – Segment 2 Project and which wastewater conveyance facilities are a WRA asset; and

WHEREAS, the Property should have been included in the WRA Agreement executed on April 19, 2004, and the Property now needs to be transferred from the City to the WRA for the WRA to complete demolition and disposal activities on the Property; and

WHEREAS, there is no known current or future public need for the Property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said property to the WRA; and

WHEREAS, in accordance with Iowa Code 364.7, the City proposes to convey the Property to the WRA at no cost for the public purpose of the WRA’s Southern Tier Interceptor and Equalization Basin Phase 10 – Segment 2 Project, subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same.

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

1. The City Council of the City of Des Moines, Iowa proposes to convey the following described property located at 1601 County Line Road, more specifically described as follows, to the Des Moines Metropolitan Wastewater Reclamation Authority at no cost, subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same:

LOTS 48 THROUGH 90, AND LOTS 104 THROUGH 106, HIGHLAND HILLS PLAT No.6, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES

★ **Roll Call Number**

Agenda Item Number

19

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MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 21.12 ACRES (920,122 SQUARE FEET).

2. A public hearing shall be held on April 8, 2019, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. 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 property.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland, Assistant City Attorney

PSW

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

