



Roll Call Number

Agenda Item Number

70

Date December 20, 2021

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A
PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY IN
PROPERTY LOCATED SOUTH OF AND ADJOINING OBSERVATORY ROAD
TO DES MOINES WATER WORKS FOR \$1.00**

WHEREAS, on November 1, 2021, by Roll Call No. 16-1649, the City Council of the City of Des Moines voted to authorize the acquisition of the necessary property interests for the Observatory Road Reconstruction from Polk Boulevard West to Parking Lot Project which project includes the installation of a fire hydrant and related appurtenances; and

WHEREAS, in order to construct and maintain said fire hydrant, Des Moines Water Works has requested that the City convey a Permanent Easement for Water Main to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa in accordance with Iowa Code Section 364.7(3) for the public purposes of constructing, reconstructing, repairing, enlarging, maintaining, accessing, and operating a water main, together with appurtenances thereto, both above and below ground, under, over, through and across said Property; and

WHEREAS, the City will not be inconvenienced by the conveyance of a Permanent Easement for Water Main Right-of-Way in City property located south of and adjoining Observatory Road; and

WHEREAS, on December 6, 2021 by Roll Call No. 21-1817, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on December 20, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Permanent Easement for Water Main Right-of-Way was given to all necessary parties 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 the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a Permanent Easement for Water Main Right-of-Way in property located south of and adjoining Observatory Road, Des Moines, Iowa, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa for \$1.00, as described herein, are hereby overruled and the hearing is closed.

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2. The public would not be inconvenienced by reason of the conveyance of a Permanent Easement for Water Main Right-of-Way in property located south of and adjoining Observatory Road, Des Moines, Iowa, legally described as follows, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa for \$1.00 for the public purposes of constructing, reconstructing, repairing, enlarging, and maintaining a water main, together with necessary appurtenances thereto, and said conveyance is hereby approved:

STRIP OF GROUND 20.00 FEET IN WIDTH OVER AND ACROSS THE NORTHWEST FRACTIONAL QUARTER, SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND CENTERED ON THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING 3 FEET EAST OF THE CENTER LINE OF SAID SECTION 1 AND 35 FEET SOUTH OF THE NORTH LINE OF LOT 21 OF THE OFFICIAL REPLAT OF THE OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 78, RANGE 25 WEST OF THE 5TH P.M., AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 86°(DEGREES) 15'(MINUTES) 00"(SECONDS) WEST ALONG THE LOCATED CENTERLINE OF AN EXISTING FEEDER MAIN THROUGH PARK PROPERTY, 92.00 FEET; THENCE SOUTH 0°11'40" WEST ALONG A LINE BEING PARALLEL WITH SAID CENTERLINE OF SECTION 1, A DISTANCE OF 15.04 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 30.00 FOOT WIDE FEEDER MAIN EASEMENT AS RECORDED IN THE RESOLUTION ADOPTED BY THE CITY OF DES MOINES, IOWA, UNDER ROLL CALL NUMBER 1955-3437 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°11'40" WEST, 36.54 FEET TO THE POINT OF TERMINUS. EASEMENT CONTAINING 731 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Permanent Easement for Water Main Right-of-Way for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Water Main Right-of-Way, 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.

5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Water Main Right-of-Way, 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Water Main Right-of-Way and copies of the other documents to the grantee.

7. There are no proceeds associated with this transaction.

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Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

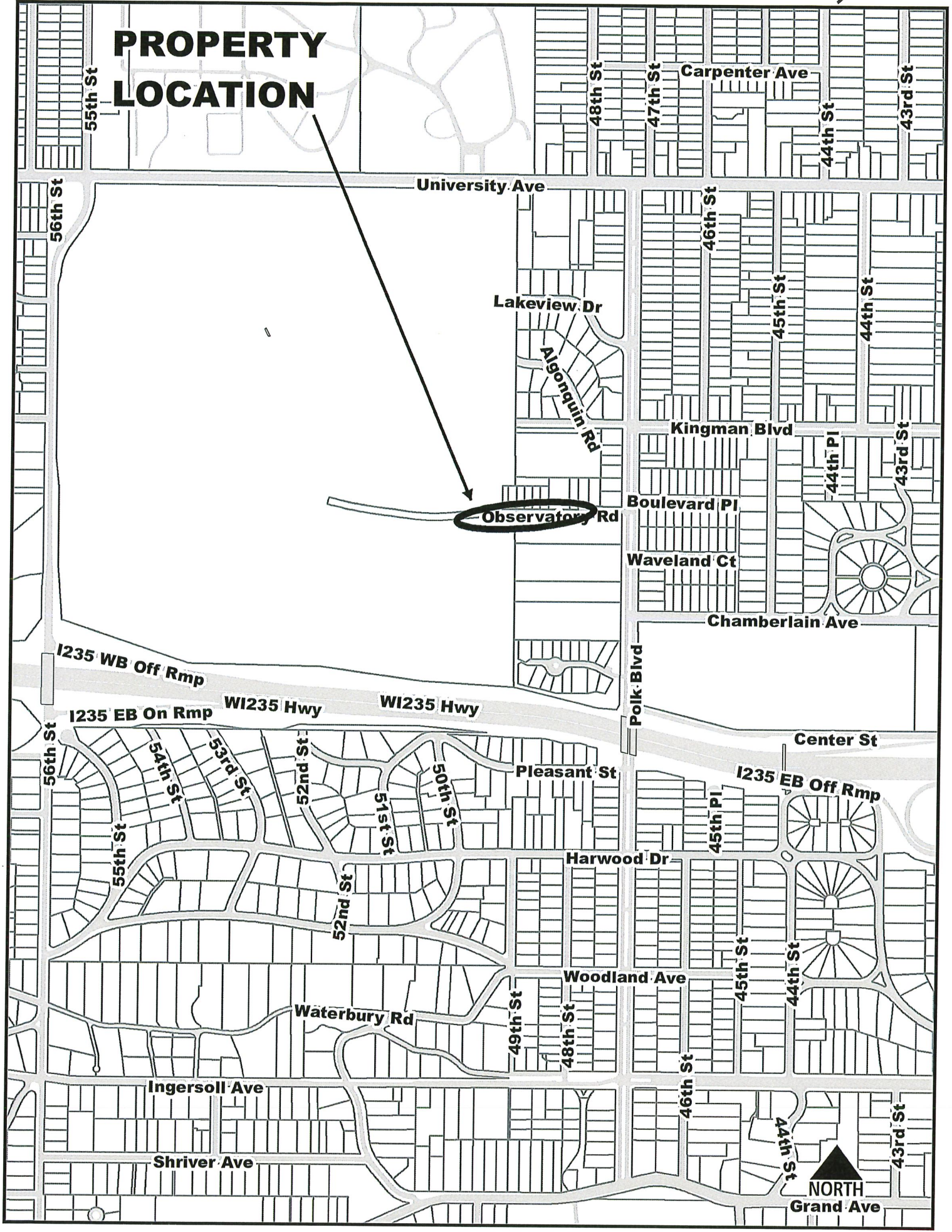
CERTIFICATE

I, P. Kay Cmelik, 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

PROPERTY LOCATION



Observatory Rd

