

Date April 24, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY IN A PORTION OF VACATED SE 2ND STREET RIGHT-OF-WAY ADJOINING 303 SCOTT AVENUE TO CITY OF DES MOINES, IOWA, FOR THE USE AND BENEFIT OF THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA

WHEREAS, on October 24, 2022, by Roll Call No. 22-1677, the City Council of the City of Des Moines, Iowa passed Ordinance No. 16,187 vacating all of the Southeast 2nd Street right-of-way lying south of Scott Avenue and west of and adjoining 303 Scott Avenue, and all of the Southeast 4th Street right-of-way lying south of Scott Avenue and east of and adjoining 303 Scott Avenue, Des Moines, Iowa, subject to the reservation of an easement upon the property described above for the continued use and maintenance of any utilities in place, with the right of entry for servicing same; and

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa (hereinafter "Des Moines Water Works") has requested a Permanent Easement for Water Main Right-of-Way under, over, through, and across a portion of the vacated Southeast 2nd Street right-of-way, as legally described below ("Easement Area"), for the purpose 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 the Easement Area; and

WHEREAS, there is no known current or future public need or benefit for the Easement proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Permanent Easement for Water Main Right-of-Way.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Water Main Right-of-Way, as legally described, to the City of Des Moines, Iowa, for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa:

ALL OF LOTS 13 AND 14, BLOCK 80, TOWN OF DES MOINE, AN OFFICIAL PLAT LYING WEST OF THE EXISTING WATER MAIN EASEMENT RECORDED IN BOOK 15347, PAGE 762-790 AT THE POLK COUNTY RECORDER'S OFFICE,

AND,

ALL OF THE VACATED SOUTHEAST 2ND STREET RIGHT-OF-WAY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 14, EXCEPT PARCEL 2022-1163, RECORDED IN

 **Roll Call Number**

Agenda Item Number

25

Date April 24, 2023

BOOK 19315, PAGE 49 AT THE POLK COUNTY RECORDER'S OFFICE, ALL BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.38 ACRES (16,639 S.F.);

(VACATED BY ORDINANCE NO. 16,187 PASSED OCTOBER 24, 2022).

2. A public hearing shall be held on May 8, 2023, 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.

Please check the posted agenda in advance of the May 8, 2023 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

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

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner, City Clerk

