

**Date** November 18, 2024

**CONSENT TO ASSIGNMENT OF AGREEMENT FOR USE OF CITY-OWNED PROPERTY FOR A WATER PUMPING STATION BY THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA TO CENTRAL IOWA WATER WORKS**

**WHEREAS**, the City of Des Moines, Iowa (City) granted the Board of Water Works Trustees of the City of Des Moines, Iowa (Water Works) management and control of certain real estate located on Prospect Road in Des Moines, Iowa, to be used for the purpose of construction, repair, maintenance and operation of a pumping station for the withdrawal of water from the Des Moines River for the water works system of the City of Des Moines, Iowa, dated July 28, 1980 and filed of record with the Polk County Recorder on July 31, 1980 as instrument number 4024 in Book 5028 at Page 482 (the “Grant”); and

**WHEREAS**, on April 11, 2024, a 28E/28F Agreement was filed with the Iowa Secretary of State, under Filing Number M516883, creating the Central Iowa Water Works to provide for operation of a regional water wholesale production and supply entity that shall operate exclusively on a cooperative basis for the mutual benefit of the founding agencies, and other agencies subsequently admitted to membership as their exclusive water supply provider, of which the Board of Water Works Trustees of the City of Des Moines, Iowa is a member; and

**WHEREAS**, Water Works has requested that the City assign its rights under the Grant to Central Iowa Water Works pursuant to Water Works obligations under the 28E/28F Agreement; and

**WHEREAS**, the City’s consent to assignment of the Grant to Central Iowa Water Works does not change, alter or amend the terms of that Grant; and

**WHEREAS**, the Grant further provides that such management and control to revert back to the City of Des Moines at such time as such property is no longer used as a pumping station.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the City of Des Moines hereby consents to the assignment of the Grant from the Board of Water Works Trustees of the City of Des Moines, Iowa to Central Iowa Water Works.

**BE IT FURTHER RESOLVED** that the Mayor is authorized and directed to execute the City’s consent to the Assignment and Assumption of Grant of Management and Control between the Board of Water Works Trustees of the City of Des Moines, Iowa and Central Iowa Water Works, a copy of which is on file in the City Clerk’s Office.

 **Roll Call Number**

\_\_\_\_\_

**Agenda Item Number**

15

**Date** November 18, 2024

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

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

*SLNpw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
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.

\_\_\_\_\_  
City Clerk