

Date March 10, 2025

SET HEARING FOR APPROVAL OF CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY FOR THE WRA SOUTHERN TIER INTERCEPTOR, PHASE 10, SEGMENT 23 PROJECT

WHEREAS, on February 21, 2023, by WRA Board Resolution No. 23-20, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Board authorized acquisition of property interests for the WRA Southern Tier Interceptor – Phase 10, Segment 23 Project by gift, negotiation or eminent domain; and

WHEREAS, in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the WRA (“Agreement”), the WRA has requested the City of Des Moines (“City”) to grant a Permanent Easement for Sanitary Sewer Facilities (“Easement”) to the WRA across City-owned parkland known as the James W. Cownie Soccer Park located at 2600 Hartford Avenue, Des Moines, Iowa (“Property”) for the above-described project; and

WHEREAS, the Agreement stipulated that the WRA may request such real property interest(s) as it needs to accomplish its public purposes from any participating community in relation to the construction, use, operation, maintenance, or other purpose of any improvements; and

WHEREAS, in accordance with Iowa Code 364.7(3), the City proposes to convey the Easement to the WRA at no cost for the public purpose of the WRA Southern Tier Interceptor – Phase 10, Segment 23 Project; and

WHEREAS, conveyance of this Easement will have no significant impact upon the public use of the City-owned parkland, and the City will not be inconvenienced by the conveyance of said Easement.

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

1. That the City Council of the City of Des Moines, Iowa proposes to convey a Permanent Easement for Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned parkland known as the James W. Cownie Soccer Park located at 2600 Hartford Avenue, Des Moines, Iowa, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA Southern Tier Interceptor – Phase 10, Segment 23 Project:

A part of the Southwest 1/4 of Section 12 and part of Government Lot 5 and part of the North 1/2 of Section 13, all in Township 78 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa and more particularly described as follows:

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Commencing at the North 1/4 corner of said Section 13; thence North 89°25'55" West along the North line of the Northwest 1/4 of said Section 13, a distance of 241.84 feet to the Point of Beginning; thence South 50°04'46" West, 461.29 feet; thence South 64°45'19" West, 15.49 feet; thence South 58°01'33" West, 885.72 feet; thence South 43°32'12" West, 327.68 feet; thence South 50°44'11" East, 362.81 feet; thence South 51°12'04" East, 500.92 feet; thence South 50°58'09" East, 1000.10 feet; thence South 50°58'08" East, 504.59 feet; thence South 41°25'52" East, 510.57 feet; thence South 32°06'19" East, 509.01 feet; thence South 22°42'56" East, 518.35 feet; thence South 21°10'46" East, 161.12 feet to the East line of a tract of land described in Special Warranty Deed recorded in Book 9071 on Page 815 in the Polk County Recorder's Office; thence South 07°11'45" West along said East line, 43.21 feet to the Southeast corner of said tract; thence North 89°14'53" West along the South line of said tract, 42.54 feet; thence North 21°10'46" West, 182.44 feet; thence North 22°42'56" West, 512.62 feet; thence North 32°06'19" West, 499.19 feet; thence North 41°25'52" West, 500.67 feet; thence North 50°58'08" West, 499.58 feet; thence North 50°58'09" West, 999.98 feet; thence North 51°12'04" West, 501.04 feet; thence North 50°44'11" West, 427.71 feet; thence North 43°32'12" East, 354.75 feet; thence North 64°36'33" West, 979.59 feet; thence North 27°48'06" West, 35.73 feet; thence North 15°54'50" East, 76.65 feet; thence South 74°05'10" East, 60.00 feet; thence South 15°54'50" West, 47.54 feet; thence South 64°36'33" East, 978.80 feet; thence North 58°01'33" East, 876.65 feet; thence North 64°45'19" East, 11.29 feet; thence North 50°04'46" East, 466.20 feet to said North of said tract; thence South 89°43'23" East along said North line, 17.42 feet; thence South 84°31'58" East along said North line, 68.49 feet; thence South 50°04'46" West, 74.05 feet to the Point of Beginning, EXCEPTING THEREFROM an existing 40.00 feet sanitary sewer easement described in the easement document recorded in Book 6033 on Page 16 in the Polk County Recorder's Office.

Containing 331,779 square feet or 7.62 acres, more or less.

2. That the meeting of the City Council at which the proposed conveyance of such easement is to be considered shall be on March 24, 2025, said meeting to be held 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. That 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 this conveyance.

 **Roll Call Number**

Agenda Item Number

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Moved by _____ to adopt. Seconded by _____.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED APPROVED

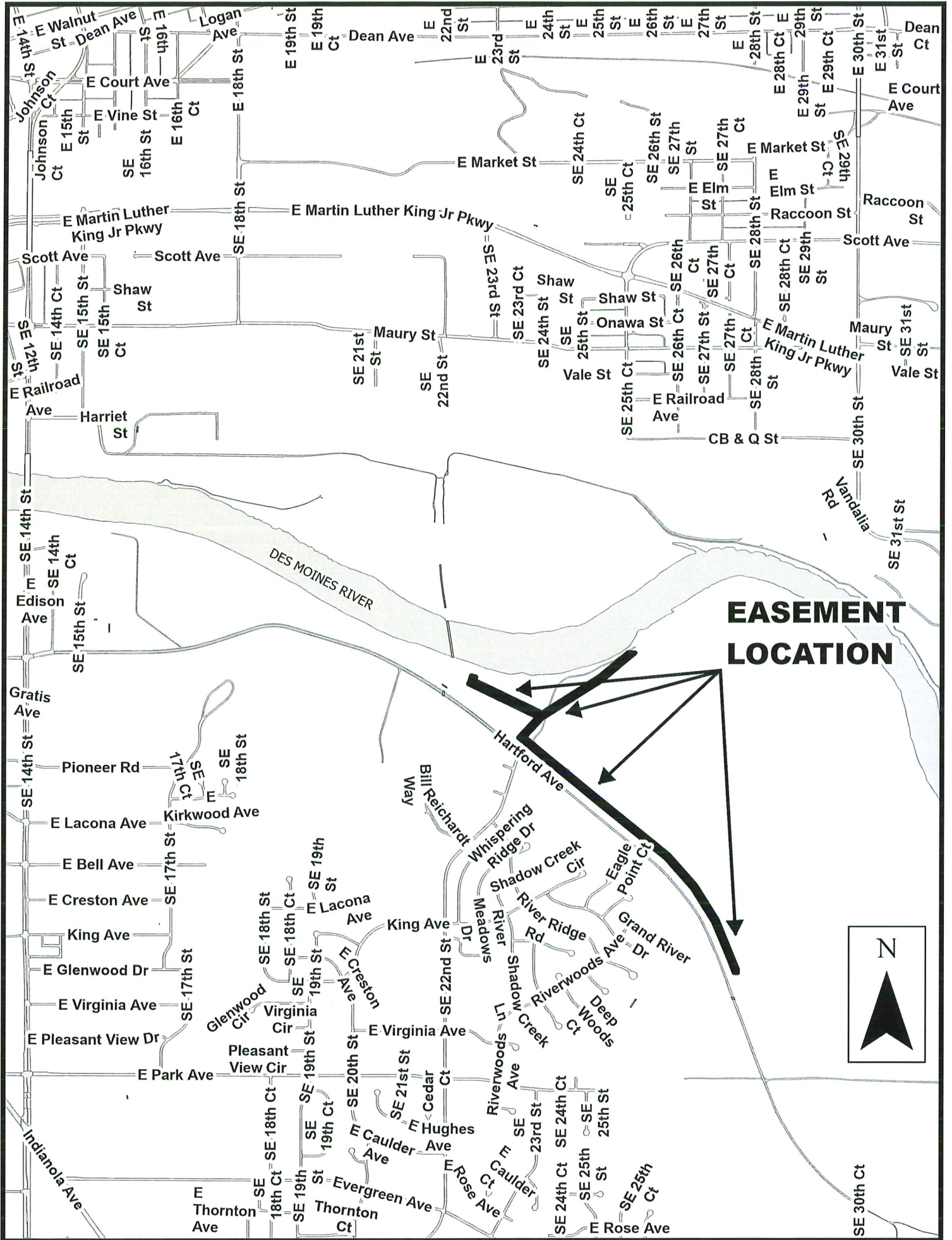
Mayor

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



**EASEMENT
LOCATION**

