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Date March 24, 2025

HOLD 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 (“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 the 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; and

WHEREAS, on March 10, 2025, by Roll Call No. 25-0534, 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 March 24, 2025, 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 Easement 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 this 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:

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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 Sanitary Sewer Facilities on City-owned parkland known as the James W. Cownie Soccer Park located at 2600 Hartford Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Facilities 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), for the WRA Southern Tier Interceptor, Phase 10, Segment 23 Project, and the conveyance is hereby approved:

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:

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

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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.

3. The Mayor is authorized and directed to sign the Permanent Easement for Sanitary Sewer Facilities 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 Easement, 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 Easement, 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 Easement and copies of the other documents to the grantee.
7. There will be no proceeds associated with this conveyance.

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

