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Date May 4, 2026

HOLD HEARING FOR CONVEYANCE OF AN ELECTRIC EASEMENT ON CITY-OWNED PROPERTY LOCATED AT 4850 SE 5TH STREET TO MIDAMERICAN ENERGY COMPANY FOR THE 2026 NEIGHBORHOOD SIDEWALK PROGRAM

WHEREAS, the City of Des Moines is the owner of property located at 4850 SE 5th Street, Des Moines, Iowa (“Property”); and

WHEREAS, MidAmerican Energy Company (“MEC”) has requested a permanent electric easement across a portion of the Property, more particularly described below, in order to relocate poles as part of the 2026 Neighborhood Sidewalk Program; and

WHEREAS, there is no known current or future public need for the property interest proposed to be conveyed, and the City will not be inconvenienced by the conveyance of an Electric Easement in said portion of the Property; and

WHEREAS, on April 20, 2026 by Roll Call No. 26-0491, 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 May 4, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, 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 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 Electric Easement in a portion of City property located at 4850 SE 5th Street, Des Moines, Iowa, as legally described, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property interest proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a permanent Electric Easement in a portion of City property located at 4850 SE 5th Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

A PART OF LOT 8, SECOND ADDITION TO THOMAS HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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Date May 4, 2026

BEGINNING AT A POINT WHICH IS 228.44 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 89°(DEGREES) 57'(MINUTES) 42"(SECONDS) WEST, 10.00 FEET; THENCE NORTH 0°02'18" WEST, 10.00 FEET; THENCE NORTH 89°57'42" EAST, 9.77 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTHEAST 5TH STREET, AS PRESENTLY ESTABLISHED; THENCE SOUTH 1°35'22" EAST ALONG SAID WEST RIGHT OF WAY, 8.39 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE SOUTH 0°02'18" EAST, 1.61 FEET TO THE POINT OF BEGINNING AND CONTAINING 99 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Electric Easement 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 Electric 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 document to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Electric 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 said document to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Electric Easement and copies of the other documents to the Grantee.
7. There will be no proceeds associated with this transaction.

 **Roll Call Number**

Agenda Item Number

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Date May 4, 2026

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
BARRON				
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.

Laura Baumgartner, City Clerk

