

★ Roll Call Number

08-252

Agenda Item Number

47

Date February 11, 2008

Disposition – MidAmerican Energy Company: Page 1

HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PORTION OF 11015 BEARDSLEY STREET FOR THE WRA SOUTHERN TIER PUMP STATION PROJECT TO MIDAMERICAN ENERGY COMPANY FOR \$1

WHEREAS, the City currently owns a parcel of land in Warren County (“real property”) that is needed by the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) for the WRA Southern Tier Pump Station Project; and

WHEREAS, the real property was to have been previously conveyed to the WRA by the City and such conveyance is to occur in the near future; and

WHEREAS, the WRA has an immediate need to relocate an existing underground electric line owned by MidAmerican Energy Company across a portion of 11015 Beardsley Street in the area of the Southern Tier Pump Station onto the aforementioned City-owned real property; and

WHEREAS, the WRA has requested that the City grant an Underground Electric Line Easement to MidAmerican Energy Company across a portion of 11015 Beardsley Street for relocation of the electric line prior to the transfer of the real property from the City to the WRA in order to expedite said relocation; and

WHEREAS, due notice of said proposal to convey this public real property was given 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this easement, as described below, are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of this easement across a portion of 11015 Beardsley Street, more specifically described as follows:

A perpetual electric line easement located in part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 77 North, Range 24 West of the 5th P.M.,

Date February 11, 2008

Warren County, Iowa. Said perpetual easement being more particularly described as follows:

DESCRIPTION APPROVED
[Signature]
1/29/08 09:38

Commencing as a point of reference at the South ¼ corner of said Section 2; thence North 89°(degrees) 45'(minutes) 36"(seconds) West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), 931.29 feet along the South line of said Southwest ¼; thence North 00°14'24" East, 2,008.20 feet to a point on an existing North-South fence line, said point being the point of beginning; thence North 00°59'10" West, 10.46 feet along said fence line to a point on an existing East-West fence line; thence North 71°55'19" East, 374.75 feet along said East-West fence line; thence South 89°19'16" East, 23.00 feet along said East-West fence line; thence South 00°40'44" West, 15.00 feet; thence South 89°52'12" West, 15.00 feet; thence North 00°40'44" East, 5.17 feet; thence North 89°19'16" West, 6.34 feet; thence South 71°55'19" West, 376.18 feet to the point of beginning. (Containing 4,050 square feet, more or less.)

3. That the granting of such easement to MidAmerican Energy Company for \$1 is hereby approved.
4. The Mayor is authorized and directed to sign the Underground Electric Line Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this 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.
6. 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.
7. 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.
8. There will be no proceeds associated with the conveyance of this Underground Electric Line Easement.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

REN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh
City Clerk