

Date February 11, 2008

HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PORTION OF GLENDALE CEMETERY TO MIDAMERICAN ENERGY COMPANY FOR \$1

WHEREAS, electric service is needed for a new City-owned building being constructed on the property of Glendale Cemetery; and

WHEREAS, MidAmerican Energy Company requires an Underground Electric Line Easement across a portion of Glendale Cemetery in order to provide the needed electric service; 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 Glendale Cemetery, more specifically described as follows:

A 10-foot wide underground electric line easement; said electric easement being situated in the property described as follows:

A strip of ground 10.0 feet being 5.0 feet on each side of the following described line: Commencing at a point on the North right-of-way line of University Avenue and the East line of the West 60.0 Acres of the Southeast ¼ of Section 31 (Except the North 928.06 feet of the East 771.0 feet thereof), Township 79 North, Range 24 West of the 5th P.M.; thence West along the North right-of-way line of University Avenue 195.5 feet to the point of beginning; thence northeasterly along a line to a point 104.5 feet to the point of terminus and being 137.0 feet from the point of commencement, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

DESCRIPTION APPROVED
[Signature]
2/11/08

3. That the granting of such easement to MidAmerican Energy Company for \$1 is hereby approved.

★ Roll Call Number
08-253

Agenda Item Number
48

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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.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk