



Roll Call Number

08-304

Agenda Item Number

24

WRA Southern Tier Pump Station

Date February 25, 2008

SET HEARING TO TRANSFER OWNERSHIP OF CITY-OWNED PROPERTY AT 11015 BEARDSLEY TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE SOUTHERN TIER PUMP STATION PROJECT

WHEREAS, pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA Agreement"), approved and authorized for execution by the City Council on April 19, 2004 pursuant to Roll Call No. 04-844, the Southern Tier Pump Station, acquired by and held in the name of the City of Des Moines and included as part of the Southern Tier Interceptor Project as described in Exhibit 1 to the WRA Agreement, is required to be transferred by the City of Des Moines to the WRA; and

WHEREAS, said provision of the WRA Agreement further provides that upon request of the WRA Board, the City of Des Moines and other Participating Communities shall transfer legal titles to the wastewater conveyance facilities described in Exhibit 1 to the WRA Agreement, including the Southern Tier Interceptor Project, by quit claim deed or other instrument of title as requested by the Board; and

WHEREAS, on September 21, 2004, by Resolution No. 04-055, the WRA Board requested the City of Des Moines and other Participating Communities to transfer to the WRA by quit claim deed and/or by permanent easement, as appropriate, their respective interests in the wastewater conveyance facilities described in Exhibit 1 to the WRA Agreement; and

WHEREAS, the City of Des Moines is required to transfer the Southern Tier Pump Station as requested by the WRA Board pursuant to the WRA Agreement.

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

- 1. The City Council of the City of Des Moines, Iowa proposes to convey the following described property at 11015 Beardsley Street, more specifically described and for the consideration identified below:

To: Des Moines Metropolitan Wastewater Reclamation Authority

For: \$1

The NE 1/4 of the SW 1/4 and the North 1/2 of the SE 1/4 of the SW 1/4 of Section 2, Township 77 North, Range 24 West of the 5th P.M., all now included in and forming a part of Warren County, Iowa.

Subject to the Underground Electric Line Easement as conveyed by the City of Des Moines to MidAmerican Energy Company.

DESCRIPTION APPROVED
2/20/08
[Signature]

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2. A public hearing shall be held on March 10, 2008, 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. 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 code section 362.3 of the Iowa Code.
4. That pending the City's conveyance of the interests described above, the WRA is given full permission and authority to access said City-owned property for purposes of operating and maintaining the Southern Tier Pump Station.
5. This conveyance is without consideration, as authorized under code section 364.7(3) of the Iowa Code.

Moved by Hensley 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 | | | |

MOTION CARRIED 7 APPROVED
T. M. Franklin Course 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