



Roll Call Number

08-521

Agenda Item Number

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Date March 24, 2008

Guthrie Avenue Business Park (MidAmerican Energy): Page 1

**HOLD HEARING FOR CONVEYANCE OF AN ELECTRIC LINE EASEMENT ACROSS CITY-OWNED PROPERTY IN THE VICINITY OF MATTERN AVENUE AND DIXON STREET IN GUTHRIE AVENUE BUSINESS PARK TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, on September 24, 2007, by Roll Call No. 07-1886, the City Council of the City of Des Moines approved an Urban Renewal Development Agreement with Houghton Properties for redevelopment of a City-owned parcel in the Guthrie Avenue Business Park Urban Renewal Area south of Mattern Avenue to East Jefferson Avenue, between Dixon and De Wolf Streets; and

**WHEREAS**, on September 24, 2007, by Roll Call No. 07-1884, the City Council of the City of Des Moines passed Ordinance No. 14,707 vacating East 18<sup>th</sup> Street between Mattern and East Jefferson Avenues, and Mattern Avenue between Dixon and De Wolf Streets; and

**WHEREAS**, upon vacation of the rights-of-way, as described above, MidAmerican Energy Company was notified that they were required to remove or abandon all utilities located in the vacated rights-of-way; and

**WHEREAS**, to allow for Houghton Properties redevelopment, MidAmerican Energy Company requires an Underground Electric Line Easement between Dixon and East 18<sup>th</sup> Street, across City-owned property being purchased by Houghton Properties for redevelopment, and an Overhead Electric Line Easement across vacated Mattern Avenue, between Dixon and De Wolf Streets; and

**WHEREAS**, on March 10, 2007, by Roll Call No. 08- 386, it was duly resolved by the City Council that the proposed conveyance of an electric line easement across City-owned property in the vicinity of Mattern Avenue and Dixon Street, be set down for hearing on March 24, 2008, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this easement 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 City-owned property in the vicinity of Mattern Avenue and Dixon Street, more specifically described as follows:

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A 10-foot wide Underground Electric Line Easement situated in the following described property:

The South 41 feet of Lots 7 and 18, as they presently exist, in Block 11, T.E. Brown's, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said Easement being the North 10 feet, more or less, of the South 41 feet of said Lots 7 and 18.

And

A 10-foot wide Overhead Electric Line Easement situated in the following described property:

Lot Z (vacated Mattern Avenue), T. E. Brown's, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said easement being the North 10 feet, more or less, of said Lot Z (vacated Mattern Avenue right-of-way) lying North of and adjoining Blocks 11 and 12 of said T. E. Brown's, and lying North of and adjoining Lot K of said T. E. Brown's (vacated East 18<sup>th</sup> Street right-of-way).

DESCRIPTION REVIEWED  
3/25/08 14:06

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 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 grantees.

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8. There will be no proceeds associated with the granting of this Electric Line Easement.

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

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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.

Y. M. Franklin Mayor

Diane Rauh City Clerk