

★ Roll Call Number

08-522

Agenda Item Number

58

Disposition – MidAmerican Energy (Easton): Page 1

Date March 24, 2008

HOLD HEARING FOR CONVEYANCE OF A GAS PIPELINE EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED SOUTH OF EASTON BOULEVARD AND WEST OF EAST 38TH STREET TO MIDAMERICAN ENERGY COMPANY FOR \$500

WHEREAS, MidAmerican Energy Company requires a Gas Pipeline Easement for an existing gas main located on City-owned property south of Easton Boulevard and west of East 38th Street; and

WHEREAS, on March 10, 2008, by Roll Call No. 08-385, it was duly resolved by the City Council that the proposed conveyance of a gas pipeline easement across City-owned property located south of Easton Boulevard and west of East 38th 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 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 City-owned property located south of Easton Boulevard and west of East 38th Street, more specifically described as follows:

A gas pipeline easement consisting of a strip of land ten (10) feet in width, all situated in the following described property:

Lot 2 of the Official Plat of the North ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 79 North, Range 23 West of the 5th P.M., an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except the following portion of Lot 2: Commencing as a point 36.7 feet South of the Northeast corner of said Section 32 (said point being the Northeast corner of said Lot 2); thence South along the East line of said Section (being the East line of said Lot 2 and the West line of East 38th Street as now located) 165 feet, thence West 120 feet; thence North 106.45 feet to the North line of said Lot 2 (being the South line of Easton Boulevard);

DESCRIPTION REVIEWED
[Signature]
3/27/08 14:02

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thence North 63°(Degrees) 57'(Minutes) East 133.51 feet along the North line of said Lot 2 (being the South line of Easton Boulevard) to the point of beginning.

3. That the sale and conveyance of such easement to MidAmerican Energy Company for \$500, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Gas Pipeline 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.
8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 259, Property Maintenance, SP767.

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(Council Communication No. 08-162)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (YEAS: 6).

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 Council Mayor

Diane Rauh City Clerk