

★ Roll Call Number

08-1340

Agenda Item Number

42

Date July 28, 2008

HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE EASEMENT ACROSS CITY-OWNED PROPERTY WEST OF ROBERT D. RAY DRIVE TO MIDAMERICAN ENERGY COMPANY FOR \$1

WHEREAS, MidAmerican Energy Company has requested an underground electric line easement across City-owned property west of Robert D. Ray Drive to provide electric service for the Asian Garden Chinese Cultural Center of America; and

WHEREAS, on, July 14, 2008, by Roll Call No. 08- 1193, it was duly resolved by the City Council that the proposed conveyance of an underground electric line easement across City-owned property west of Robert D. Ray Drive be set down for hearing on July 28, 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 west of Robert D. Ray Drive, more specifically described as follows:

An 8.0 foot wide underground electric line easement, said easement being situated in the property described as follows: All lying west of Robert D. Ray Drive, Lot 5, Block D in River Hills Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the sale and conveyance of such easement to MidAmerican Energy Company for \$1 be and 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.

DESCRIPTION REVIEWED
James H. [Signature]
7/28/08 15:51

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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 Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSV

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED
J. 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