

★ Roll Call Number
10-184

Agenda Item Number
17

Date February 8, 2010

**SET HEARING FOR THE CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE
EASEMENT TO MIDAMERICAN ENERGY COMPANY FOR SERVICE TO THE
EXISTING CELL TOWER LOCATED ON WAVELAND GOLF COURSE**

WHEREAS, on April 20, 2009, by Roll Call No. 09-675, the City Council approved a Lease Amendment Agreement with Verizon Wireless (VAW) LLC (Assignee of Des Moines MSA General Partnership) (“Lease Agreement”) and Use Authorization and Consent Agreement with American Tower Delaware Corporation for a cellular phone service tower located on Waveland Golf Course (“Use Agreement”); and

WHEREAS, co-located antennas have been recently placed on the existing cell tower for which rent is being paid to the City in accordance with the terms of said Agreements and the Council authorization thereof; and

WHEREAS, in order for the co-located antennas to operate, MidAmerican Energy Company must supply electrical service and has requested an underground electric line easement across City-owned property located at 5000 Observatory Road to provide service to the cell tower located on Waveland Golf Course; and

WHEREAS, if approved, the underground electric line easement will be terminable and conditional upon the use of said easement by MidAmerican Energy Company to provide electricity to City lessees and/or co-locatees for the existing cell tower, and the nominal fair market value attributable to said easement was contemplated and is included in the rent payments to the City from the lessee and co-locatees pursuant to terms of the Lease Agreement and Use 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 grant an underground electric line easement, for the purpose of serving the City lessees of the existing cell tower in Waveland Golf Course, upon the following described property located at 5000 Observatory Road, more specifically described and for the consideration identified below:

To: MidAmerican Energy Company

For: \$1.00

EASEMENT DESCRIPTION:

A 10-foot wide underground electric easement being 5.0 feet on each side of the following described centerline, in the Northwest ¼ of Section 1, Township 78 North, Range 25 West of the 5th P.M.;

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Beginning at the Southwest corner of Lot 40, Cummins Woods, an Official Plat; thence Northwesterly 110 feet to a point being 45.0 feet North and 100.0 feet West of the Southwest corner of said Lot 40, to the point of terminus, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. A public hearing shall be held on February 22, 2010 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 Section 362.3 of the Iowa Code.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

REN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	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