

★ Roll Call Number  
10-715

Agenda Item Number  
25

Date May 10, 2010

**SET HEARING FOR AMENDMENT TO AN EXISTING ELECTRIC LINE EASEMENT WITH  
MIDAMERICAN ENERGY COMPANY**

**WHEREAS**, on September 13, 1999, by Roll Call 99-2748, the City Council of the City of Des Moines, Iowa, entered into agreement with the Department of the Army for the Des Moines and Raccoon Rivers Feasibility Study; and

**WHEREAS**, on October 12, 2009, by Roll Call No. 09-1833, the City Council approved a Project Partnership Agreement between the City and the Department of the Army for construction of the Des Moines and Raccoon Rivers Project; and

**WHEREAS**, on November 23, 2009, by Roll Call No. 09-2143, the City Council approved plans for construction of a multi-use trail connection to McHenry Park as part of the Des Moines and Raccoon Rivers; and

**WHEREAS**, the City of Des Moines granted an Electric Line Easement (“original Easement”) for electric transmission lines to Iowa Power and Light Company, now known as MidAmerican Energy Company, as recorded on October 1, 1970 in Book 4153, Page 394 in the Polk County Recorder’s Office, Polk County, Iowa, which original Easement is being impacted by the City’s levee and trail connection projects described above; and

**WHEREAS**, an amendment to the legal description of Parcel 2 included in said original Easement, which Amendment to Electric Line Easement is now on file in the office of the City Clerk, is necessary as part of the Des Moines and Raccoon Rivers Project to allow MidAmerican Energy Company to relocate its electric transmission lines as required by the City’s projects; and

**WHEREAS**, the City will not be inconvenienced by the conveyance of replacement areas of electric line easement contained within said Amendment to the original Easement.

**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 an easement in the following described property, in exchange and as consideration for the replacement of Parcel 2 in the original Easement as required for the City’s levee and trail connection projects, as follows:

To: MidAmerican Energy Company

Legal Description: **Parcel 2:** Commencing as a point of reference at the intersection of the West line of the Northwest Quarter (NW 1/4) of Section 27, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa and the centerline of the main track of the abandoned Des Moines and Central Iowa Railroad, thence North 89°22' East along said centerline and said centerline extended, 2810.32 feet

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to a point; thence North 00°38' West, 14.30 feet to an existing power pole; thence North 89°56'00" East, 90.00 feet to a point; thence North 00°04'00" West, 10.00 feet to the point of beginning; thence North 65°29'30" West, 172.38 feet to a point; thence South 46°12'14" West, 18.22 feet to a point; thence South 43°47'46" East, 14.50 feet to a point; thence South 49°05'00" West, 66.49 feet to a point on the northerly right-of-way line of the abandoned Des Moines and Central Iowa Railroad; thence Southeasterly along said right-of-way line along a curve to the right, whose chord bears South 69°16'47" East, 224.84 feet, an arc length of 225.66 feet to a point; thence North 00°04'00" West, 54.67 feet to a point; thence North 89°56'00" East, 40.00 feet to a point; thence North 00°04'00" West, 20.00 feet to a point; thence South 89°56'00" West, 40.00 feet to the point of beginning and containing 0.325 acres, more or less.

2. A public hearing shall be held on May 24, 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.
4. There are no proceeds from this easement amendment.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*pon*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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.

MOTION CARRIED APPROVED  
T. M. Franklin Mayor

Diane Rauh City Clerk