

★ Roll Call Number

10-900

Agenda Item Number

22

Date June 14, 2010

SET HEARING FOR CONVEYANCE OF A PERMANENT SUBSURFACE WATER MAIN EASEMENT ON CITY-OWNED AIRPORT PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SOUTHWEST 34TH STREET AND RELOCATED ARMY POST ROAD TO DES MOINES WATER WORKS FOR \$1

WHEREAS, Des Moines Water Works is proposing to construct an airport area booster station on the east side of Southwest 34th Street, and has requested a subsurface water main easement "Easement" across City-owned airport property located on the southwest corner of Southwest 34th Street and Relocated Army Post Road; and

WHEREAS, on May 14, 2010, the City of Des Moines received approval from FAA to grant said Easement, more specifically described below, to Des Moines Water Works for mutual benefit in exchange for the more consistent and increased water pressure that the airport will receive from the project; and

WHEREAS, the Easement will be located on airport property that is not needed for direct aviation use, and this conveyance will have no adverse impact on the aeronautical use of the airport.

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 a subsurface water main easement to Des Moines Water Works across City-owned airport property located on the southwest corner of Southwest 34th Street and Relocated Army Post Road, more specifically described below, for \$1:

A parcel of land in and forming a part of Outlot 'Z' in Airport Business Park Plat No. 2, an Official Plat, Section 31, Township 78 North, Range 24 West of the 5th Principal Meridian, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Commencing at the northwest corner of the SE ¼ of said Section 31, Township 78 North; thence south 89° (Degrees) 55' (Minutes) 11" (Seconds) east, a distance of 181.50 feet; thence south 89°55'11" east, a distance of 70.00 feet to the northwest corner of said Outlot 'Z', said point being the Point of Beginning; thence south 89°55'11" east, a distance of 42.00 feet; thence south 00°04'56" west, a distance of 137.81 feet; thence north 39°01'08" west, a distance of 66.59 feet along the Southwesterly Runway Protection Zone line described in the Warranty Deed to the City of Des Moines, recorded on April 1, 2005, in Book 10999, Page 579 at the Office of the Polk County, Iowa Recorder; thence north 00°04'56" east, a distance of 86.13 feet along the east right-of-way line of Southwest 34th Street, as presently established, to the Point of Beginning. This parcel contains 0.11 acres using the coordinate method for area calculation.

★ Roll Call Number

10-900

Agenda Item Number

22

Date June 14, 2010

2. A public hearing shall be held on June 28, 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 will be no proceeds associated with the conveyance of this Easement.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Davie A. Ferree
Assistant City Attorney

BN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GRIESS	1			
HENSLEY	1			
MAHAFFEY	1			
MEYER	1			
MOORE	1			
TOTAL	7			
MOTION CARRIED	APPROVED			

T. 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