

★ Roll Call Number

10-1211

Agenda Item Number

23

Disposition

Date July 26, 2010

**RESOLUTION OF INTENT TO CONVEY PERMANENT SANITARY SEWER EASEMENTS
TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY
FOR THE WRA FOUR MILE INTERCEPTOR PROJECTS**

WHEREAS, pursuant to Article VII, Section 2 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA Agreement”), approved and authorized for execution by this City Council on April 19, 2004, pursuant to Roll Call No. 04-844, the WRA Board is authorized and directed to undertake construction of Expansion Improvements including the Four Mile Interceptor Improvements Project, a parallel interceptor from the WRF to Broadway Street; and

WHEREAS, by Resolution Nos. 08-164 and 08-164, approved on October 21, 2008 and November 17, 2009, respectively, the WRA Board has approved construction and acquisition of necessary property interests for Four Mile Interceptor – Phase 23, Segments 2 and 3, and Phase 23, Segments 4 and 5 Projects; and

WHEREAS, said WRA Projects require the acquisition of permanent sanitary sewer easements on property owned by the City of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

1. The City of Des Moines, Iowa declares its intent and proposal to grant permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) in accordance with Iowa Code Section 364.7(3) and in accordance with the WRA Agreement, for the public purpose of construction, operation, maintenance and access to the sanitary sewer facilities in existence and/or to be constructed for the WRA Four Mile Interceptor– Phase 23, Segments 2 and 3 and Phase 23, Segments 4 and 5 Projects, as identified in Exhibit A attached hereto and more fully described in the Acquisition Plats on file in the office of the City Clerk, which easements shall be located on properties owned by the City of Des Moines, including but not limited to public streets, alleys, parks or other City properties.

2. A public hearing shall be held on August 9, 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.

3. The City Clerk is hereby authorized and directed to publish notice of the 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 these permanent easements.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED
T. M. Franklin Council 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