

★ Roll Call Number

10-1316

Agenda Item Number

50

Date August 9, 2010

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HOLD HEARING FOR CORRECTED 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"), more particularly described below, 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 received approval from FAA to grant the Easement 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; and

WHEREAS, on June 28, 2010, by Roll Call No. 10-1063, after notice and public hearing, the City Council intended to approve conveyance of the Easement, but said Roll Call contained an error in the legal description due to a surveyor's error; and

WHEREAS, on July 26, 2010, by Roll Call No. 10-1212, it was duly resolved by the City Council that the proposed conveyance said Easement be set down for hearing on August 9, 2010, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this Easement was given as provided by law, setting forth the time and place for hearing on the 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 corrected Easement, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of this Easement on City-owned airport property located on the southwest corner of Southwest 34th Street and relocated Army Post Road, more specifically described as follows:

A parcel of land in and forming a part of Outlot "Z" in Airport Business Park Plat No. 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and recorded in Book 9434, Page 630 of the Office of the Polk County, Iowa Recorder, more particularly described as follows:

Beginning at the northwest corner of said Outlot "Z", said northwest corner being the Point of Beginning; thence South 00° (Degrees) 06' (Minutes) 12" (Seconds) West, a distance of 86.01 feet along the east right-of-way line of S.W. 34th Street to the intersection of said east right-of-way line with the southwesterly Runway Protection Zone line described in the warranty deed to the City of Des Moines, Iowa recorded on April 1, 2005 in Book 10999, Page 579 at the Office of the Polk County, Iowa Recorder; thence South 38° 59' 58" East, a distance of 66.59 feet along said southwesterly Runway Protection Zone line; thence North 00° 06' 12" East, a distance of 137.70 feet to the south right-of-way line of Relocated Army Post Road; thence North 89° 55' 01" West, a distance of 42.00 feet along the said south right-of-way line of Relocated Army Post Road to the Point of Beginning. This parcel contains 0.11 acres using the coordinate method for area calculation.

3. That the sale and conveyance of the Easement to Des Moines Water Work for \$1, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Easement for the conveyance, and the City Clerk is authorized and directed to attest to the Mayor's signature.
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 grantees.
8. There will be no proceeds associated with the conveyance of this Easement.

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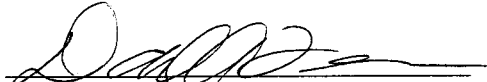
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Moved by Kensley to adopt.

APPROVED AS TO FORM:


David A. Ferree
Assistant City Attorney

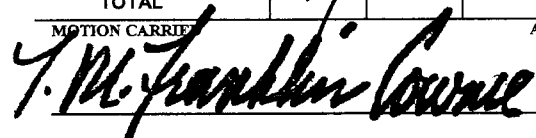
PSN

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| KIERNAN | ✓ | | | |
| 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.


T. M. Franklin
Mayor


Diane Rauh
City Clerk