

★ Roll Call Number  
10-1495

Agenda Item Number  
52

Date September 13, 2010

**HOLD HEARING FOR THE CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE  
EASEMENT TO MIDAMERICAN ENERGY COMPANY FOR SERVICE TO THE  
WORLD FOOD PRIZE FOUNDATION (LESSEE)  
AND THE CITY OF DES MOINES (LESSOR)**

**WHEREAS**, The World Food Prize Foundation, as lessee, and the City of Des Moines, Iowa ("City"), as lessor, are parties to an Urban Renewal Agreement for Lease of Property for Private Development as recorded on November 20, 2009 in Book 13283, Pages 878-927 in the office of the Polk County Recorder, for property locally known as 100 Locust Street; and

**WHEREAS**, for operational purposes for lessee The World Food Prize Foundation, MidAmerican Energy Company must supply electrical service to said property and has requested an underground electric line easement across said City-owned property to provide service to the site; 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 to the City, and The World Food Prize Foundation has previously approved and signed said easement as a grantor; and

**WHEREAS**, on August 23, 2010, by Roll Call No. 10-1367, it was duly resolved by the City Council that the proposed conveyance of said underground electric line easement on City-owned property located at 100 Locust Street, be set down for hearing on September 13, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this electric line easement was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed conveyance of the underground electric line easement to MidAmerican Energy Company, 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, that:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this easement as described below are hereby overruled and the hearing is closed.
2. The conveyance of an underground electric line easement in the following described property to MidAmerican Energy Company, as required for the supply of electrical service by MidAmerican Energy Company to 100 Locust Street and City lessee The World Food Prize Foundation, be and is hereby approved:

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**PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT DESCRIPTION:**

An underground electric line easement situated over, under and across the property described as follows:

The South Forty (40) Feet of the East Twenty-five (25) Feet of the West Forty-nine (49) Feet of Vacated 1<sup>st</sup> Street East of and Adjoining Block Thirty-three (33), Fort Des Moines, An Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. The Mayor is authorized and directed to sign the Electric Line Easement for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of this Electric Line 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.
5. The Real Estate Division Manager is authorized and directed to forward the original Electric Line Easement, together with a certified copy of this resolution and the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Electric Line Easement and copies of the other documents to the grantee.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS				✓
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1
MOTION CARRIED <u>T. M. Franklin</u> 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