

Date September 13, 2010

**RESOLUTION AUTHORIZING CONVEYANCE OF CITY-OWNED PROPERTY TO THE  
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY  
FOR THE WRA EQUALIZATION BASIN UTILIZATION PROJECT**

**WHEREAS**, pursuant to Article VI, Section 1 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, existing wastewater conveyance facilities described in Exhibit 1 to said Agreement, acquired by and held in the name of the City of Des Moines and all other participating communities, shall be transferred to the WRA by the participating communities as necessary for the construction, maintenance or improvement of such facilities; and

**WHEREAS**, the City of Des Moines has identified multiple areas for the I-JOBS II Targeted Disaster Relief Grant including the Southern Tier equalization basin currently owned by the City of Des Moines and located between 3100-3800 block of SE Watrous Avenue, as included in the application submitted by the City for said grant funding; and

**WHEREAS**, the proposed WRA Equalization Basin Utilization Project requires conveyance of said basin to the WRA in order to conform with both the aforementioned I-JOBS II Targeted Disaster Relief Grant Plan and the WRA Agreement; and

**WHEREAS**, on August 9, 2010, by Roll Call No. 10-1270, it was duly resolved by this City Council that the proposed conveyance to the WRA of the equalization basin located between 3100-3800 block of SE Watrous Avenue for the WRA Equalization Basin Utilization Project be set down for hearing on August 23, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, on August 23, 2010, by Roll Call No. 10-1402, said hearing was continued to September 13, 2010 in order to re-publish notice to correct the description of one parcel to be conveyed to the WRA; and

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

**WHEREAS**, in accordance with said notice, those interested in said 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 that:

1. Upon due consideration of the facts and statements of interested persons, if any, all objections to the proposed conveyance of said property to the WRA by Quit Claim Deed are hereby overruled and the hearing is closed.

Date September 13, 2010

2. The conveyance by the City of Des Moines of said real property by Quit Claim Deed 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 reconstruction, operation and maintenance to the existing equalization basin to be improved as part of the proposed WRA Equalization Basin Utilization Project, as identified in Exhibit A attached hereto and more fully described in the information on file as Exhibit B in the office of the City Clerk, be and is hereby approved.

3. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Quit Claim Deed for the conveyance identified above.

4. The City Clerk is authorized and directed to forward the original of said Quit Claim Deed, 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 of the Quit Claim Deed, 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the permanent easement document and copies of the other documents to the grantee.

7. There will be no proceeds associated with the conveyance of this property.

Moved by Meyer 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	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.

Diane Rauh City Clerk

MOTION CARRIED APPROVED  
T. M. Franklin Course Mayor