

★ Roll Call Number

10-1500

Agenda Item Number

56

Disposition

Date September 13, 2010

RESOLUTION AUTHORIZING CONVEYANCE OF 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 Wastewater Reclamation Authority ("WRA") Board is authorized and directed to undertake construction of Expansion Improvements including the Four Mile Interceptor Improvements Project, a parallel interceptor from the Wastewater Reclamation Facility ("WRF") to Broadway Street; and

WHEREAS, by Resolution Nos. 08-164 and 09-85, 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; and

WHEREAS, on July 26, 2010, by Roll Call No. 10-1211, it was duly resolved by this City Council that the proposed conveyance to the WRA of permanent sanitary sewer easements for the WRA Four Mile Interceptor – Phase 23, Segments 2 and 3 and Phase 23, Segments 4 and 5 Projects be set down for hearing on August 9, 2010 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

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

WHEREAS, on August 9, 2010, by Roll Call No. 10- 1319, City Council approved a continuation of the public hearing for said proposal to September 13, 2010; 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 permanent easements to the WRA are hereby overruled and the hearing is closed.

2. The conveyance by the City of Des Moines of 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,

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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, located on properties owned by the City of Des Moines, including but not limited to public streets, alleys, parks or other City properties, be and is hereby approved.

3. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the permanent easement document on file in the office of the City Clerk for the conveyance identified above.

4. The City Clerk is authorized and directed to forward the original of said easement document, 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 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.

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 Moore 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			

MOTION CARRIED
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