

★ Roll Call Number
10-1602

Agenda Item Number
52

Date September 27, 2010

**HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE
EASEMENT ON CITY-OWNED PROPERTY LOCATED AT 5000 FRANKLIN AVENUE
TO MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, MidAmerican Energy Company (“MidAmerican”) electric transmission lines are required for electric service for the City’s Franklin Avenue Library, and thus MidAmerican has requested an easement across 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 the Library; and

WHEREAS, on, September 13, 2010, by Roll Call No. 10-1455, it was duly resolved by the City Council that the proposed conveyance of said electric line easement on City-owned property located at 5000 Franklin Avenue, be set down for hearing on September 27, 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 electric line easement, 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. There is no current public need or benefit for the property described below and the public will not be inconvenienced by reason of the conveyance upon the following described property located at 5000 Franklin Avenue to provide electrical service to the City’s Franklin Avenue Library, more specifically described as follows:

**A 10 FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT SITUATED OVER,
UNDER AND ACROSS THE PROPERTY DESCRIBED AS FOLLOWS:**

The south 105 feet of the north 242 feet of the east 210 feet of the SE ¼ of the NW ¼ of Section 31-79-24, west of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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3. That the conveyance of said easement to MidAmerican Energy Company, including the right of the City to construct a parking lot and associated improvements within the easement area and further including provisions for termination of said easement at the discretion of the City, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Underground Electric Line Easement for the conveyance identified above, 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 Underground 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.
6. The Real Estate Division Manager is authorized and directed to forward the original 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.
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 grantee.

Moved by Giess to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

PSM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
HENSLEY				✓
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	5			2
MOTION CARRIED		APPROVED		

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