

★ Roll Call Number

10-1603

Agenda Item Number

53

Date September 27, 2010

**HOLD HEARING FOR CONVEYANCE OF AN ELECTRIC LINE EASEMENT ON
CITY-OWNED PROPERTY LOCATED AT 200 GUTHRIE AVENUE TO
MIDAMERICAN ENERGY COMPANY**

WHEREAS, on September 13, 1999, by Roll Call No. 99-2748, the City Council of the City of Des Moines, Iowa, entered into an agreement with the Department of the Army for the Des Moines and Raccoon Rivers Feasibility Study; and

WHEREAS, on October 12, 2009, by Roll Call No. 09-1833, the City Council approved a Project Partnership Agreement between the City and the Department of the Army for construction of the Des Moines and Raccoon Rivers Project; and

WHEREAS, on November 23, 2009, by Roll Call No. 09-2143, the City Council approved plans for construction of a multi-use trail connection to McHenry Park as part of the Des Moines and Raccoon Rivers Project; and

WHEREAS, certain MidAmerican Energy Company electric transmission lines are being impacted by the City's levee and trail connection projects described above, and the City has requested that said lines be moved for said projects; and

WHEREAS, the City will not be inconvenienced by the conveyance of replacement areas for the electric line easement within City-owned property, and said easement will be conveyed to MidAmerican Energy Company for the consideration of MidAmerican's relocation of the electric transmission lines for the above listed projects; and

WHEREAS, on September 13, 2010, by Roll Call No. 10- 1456, it was duly resolved by the City Council that the proposed conveyance of said electric line easement on City-owned property located at 200 Guthrie 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 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 a permanent easement in the following described property to MidAmerican Energy Company, as required for the City's levee and trail connection projects and for the consideration of MidAmerican Energy Company's relocation of its electric transmission lines for said projects, be and is hereby approved:

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Legal Description:

An electric line easement 10 feet wide situated in Lots 74 and 75 of Block 5 of OLD ORCHARD BEACH, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The centerline of said easement being more particularly described as beginning at a point on the westerly line on said Lot 75 that is 18 feet, more or less, northerly of the southwest corner of Lot 75; thence southeasterly to a point on the southerly line of said Lot 74 that is 38 feet, more or less, easterly of the southwest corner of said Lot 75.

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 Mahaffey 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	5			2

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