

★ Roll Call Number

10-1874

Agenda Item Number

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Date November 8, 2010

**HOLD HEARING FOR CONVEYANCE OF A TRANSMISSION LINE EASEMENT ON CITY-OWNED PROPERTY FOR THE CENTRAL PLACE LEVEE PROJECT TO MIDAMERICAN ENERGY COMPANY**

**WHEREAS**, on September 13, 1999, by Roll Call 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**, certain MidAmerican Energy Company underground electric cable is being impacted by the construction of the Central Place Levee and the City has requested that said cable be replaced by MidAmerican Energy Company by an overhead transmission line, for which MidAmerican needs an easement interest across City-owned property; and

**WHEREAS**, the City will not be inconvenienced by the conveyance of a Transmission Line Easement within City-owned property as described below, and said easement will be conveyed to MidAmerican Energy Company for the consideration of MidAmerican's relocation of the existing underground electric cable for the above-referenced City project; and

**WHEREAS**, on October 25, 2010, by Roll Call No. 10-\_\_\_\_\_, it was duly resolved by the City Council that the proposed conveyance of said Transmission Line Easement on City-owned property for the Des Moines and Raccoon Rivers (Central Place Levee) project, be set down for hearing on November 8, 2010, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this Transmission 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, 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:

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 Transmission Line Easement in the following described property to MidAmerican Energy Company, as required for the City's levee project, and for the consideration of MidAmerican Energy

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Company's conversion of its underground electric cable to overhead transmission lines for said project, be and is hereby approved:

A strip of land across Lots 1, 10 and 11, and vacated Michigan Avenue in Block 7, Central Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, said strip is more particularly described as follows:

A 70.00 foot wide strip of land lying 20.00 feet north of and 50.00 feet south of the following described line: Beginning at the northwest corner of said Lot 11, said point also being the southwest corner of said Lot 10, thence east, 455 feet, more or less along the north line of said Lot 11, also being the south line of said Lot 10, and said line extended to the west bank of the Des Moines River, said point being the point of terminus of said easement, with the north and south lines of the easement lengthening or shortening to the bank of the Des Moines River. Said easement contains 0.724 acres, more or less.

4. The Mayor is authorized and directed to sign the Transmission Line Easement for the conveyance as 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 Transmission 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 of the Transmission Line 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Transmission Line Easement and copies of the other documents to the grantees.
8. There will be no proceeds associated with the conveyance of this Transmission Line Easement.

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Moved by Coleman to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*Pen*

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.

T. M. Franklin Mayor

Diane Fauh City Clerk