

★ Roll Call Number

10-2078

Agenda Item Number

22

Date December 20, 2010

**SET HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE
EASEMENT ON CITY-OWNED PROPERTY LOCATED AT 4700 GRAND AVENUE
TO MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, construction is occurring upon City-owned property located at 4700 Grand Avenue to build a new addition to the Des Moines Art Center; and

WHEREAS, this new addition requires the extension of the existing primary underground electric service provided by MidAmerican Energy Company to the Des Moines Art Center to serve said addition, for which MidAmerican needs a ten foot wide underground electric line easement across the City-owned property; and

WHEREAS, the City will not be inconvenienced by the conveyance of the underground electric 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 extension of the primary electric service to the new addition to the Art Center.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa proposes to convey an easement in the following described property, as required for the addition to the Des Moines Art Center and for the consideration of MidAmerican Energy Company's extension of the primary electric service to said addition, as follows:

To: MidAmerican Energy Company

LEGAL DESCRIPTION: PERPETUAL 10 FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT

A PERPETUAL EASEMENT BEING A 10 FOOT WIDE STRIP EASEMENT FOR EXISTING UNDERGROUND ELECTRIC LINE LYING ACROSS PART OF THE WEST HALF (W ½) OF THE NORTHEAST ¼ OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M.; SAID 10 FOOT EASEMENT BEING CENTERED ON AND LYING 5 FEET LEFT AND RIGHT OF SAID EXISTING UNDERGROUND ELECTRIC LINE, AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF LOT 4, L.P. BROWN'S OFFICIAL PLAT OF LOT 1 WESTWOOD IN SEC. 12-78-25 DES MOINES, IOWA; THENCE SOUTH ON THE EAST LINE OF SAID LOT 4; A DISTANCE OF 25.00 FEET; THENCE EAST 570.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTHEASTERLY 190.00 FEET; THENCE EASTERLY 125.00 FEET; THENCE NORTHEASTERLY 35.00 FEET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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2. A public hearing shall be held on January 10, 2011, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the conveyance of this Underground Electric Line Easement.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSV

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
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