



Roll Call Number

11-0055

Agenda Item Number

49

Date January 10, 2011

HOLD 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; and

WHEREAS, on December 20, 2010, by Roll Call No. 10-2078, it was duly resolved by the City Council that the proposed conveyance of said electric line easement on City-owned property located at 4700 Grand Avenue, be set down for hearing on January 10, 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. The conveyance of an underground electric line easement in the following described property to MidAmerican Energy Company, as required for to provide electric service to the new addition to the Des Moines Art Center located at 4700 Grand Avenue, and for the consideration of MidAmerican Energy Company's extension of the primary electric service to said addition, be and is hereby approved:

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:

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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.

3. 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.
4. 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.
5. 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.
6. 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.
7. There will be no proceeds associated with the conveyance of this Underground Electric Line Easement.

Moved by Coleman 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		APPROVED		

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