



Roll Call Number

11-0548

Agenda Item Number

44

Page 1

Date March 28, 2011

HEARING FOR CONVEYANCE OF FOUR UNDERGROUND ELECTRIC LINE EASEMENTS ON VARIOUS CITY-OWNED PROPERTIES TO MIDAMERICAN ENERGY COMPANY FOR \$1

WHEREAS, MidAmerican Energy Company ("MidAmerican") electric transmission lines are required for electric service for the Fire Station #1 – Central Fire Station Replacement, the Fire Department Training and Logistics Facility, the Riverpoint Trunk Separation and Pump Station project, and the Wallaby Barn at the Blank Park Zoo, and thus MidAmerican has requested underground electric line easements across various City-owned properties for these projects; and

WHEREAS, the City of Des Moines needs to grant the requested easements to allow completion of the aforementioned projects and to provide electrical service to these City facilities; and

WHEREAS, on March 14, 2011, by Roll Call No. 11-0430, it was duly resolved by the City Council that the proposed conveyance of the easements be set down for hearing on March 28, 2011, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey the easements were given as provided by law, setting forth the time and place for hearing on the 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 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 the easements, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of the easements on City-owned property, more specifically described as follows:
A. A 10-foot underground electric line easement across City-owned property locally known as 1330 Mulberry Street to provide electrical service for the City's Fire Station #1 replacement building (City Capital Improvement Project Fire Station #1 – Fire Protection Improvements Central Fire Station Replacement):

THE EASTERLY 10.0 FEET OF LOTS 1 AND 2, AND THE EASTERLY 10.0 FEET OF THE VACATED EAST/WEST ALLEY RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID LOT 2, AND THE EASTERLY 30.0 FEET OF THE NORTHERLY 12.0 FEET OF LOT 10, ALL IN BLOCK 33, KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

- B. A 10-foot wide underground electric line easement across City-owned property locally known as 2715 Dean Avenue to provide electrical service for the Fire Department Training & Logistics

Date March 28, 2011

Facility (City Capital Improvement Project Fire Protection Improvements Maintenance/Logistics & Training Campus):

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS LOT 1 OF ROLLIN'S HOSIERY PLACE REPLAT, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS : A STRIP OF LAND 10-FEET WIDE WHOSE CENTERLINE BEGINS ON THE EAST LINE OF LOT 1 OF ROLLIN'S HOSIERY PLACE REPLAT, AN OFFICIAL PLAT, AT A POINT 36.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 1 WHICH IS 185.0 FEET WESTERLY OF THE SAID SOUTHEAST CORNER; THENCE NORTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 53.0 FEET TO THE TERMINUS OF SAID STRIP, THE SIDE LINES OF SAID STRIP TO BE SHORTENED OR LENGTHENED TO TERMINATE AT THE SOUTHERLY LINE OF SAID LOT 1, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- C. A 15-foot wide underground electric line easement across City-owned property locally known as 1 Line Drive to provide electrical service for the City's Riverpoint sewer project (City Capital Improvement Project Principal Park for Sanitary Sewer Improvements Riverpoint Trunk Separation & Pump Station):

A 15-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AS DESCRIBED ON PAGE 1 OF PATENT NO. 26 FROM THE STATE OF IOWA TO THE CITY OF DES MOINES AS RECORDED IN POLK COUNTY RECORDER'S BOOK 1315 PAGE 11 ON JUNE 2ND, 1936, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS: A 15-FOOT WIDE STRIP LYING EASTERLY OF AND ADJACENT TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 2ND STREET, SAID STRIP EXTENDING FROM THE EASTERLY EXTENSION OF THE CENTERLINE OF THE RIGHT-OF-WAY OF THAT PORTION OF LINE DRIVE LYING WESTERLY OF SOUTHWEST 2ND STREET TO 165 FEET NORTHERLY OF THE NORTHERLY BANK OF THE RACCOON RIVER, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

- D. A 10-foot wide underground electric line easement across City-owned property locally known as 7401 SW 9th Street to provide electrical service for the City's Blank Park Zoo improvements (City Capital Improvement Project Park Improvements Blank Park Zoo Improvements (Wallaby Barn)):

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AS RECORDED IN POLK COUNTY RECORDER'S BOOK 9104 PAGE 934, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED

★ Roll Call Number
11-0548

Agenda Item Number
44

Date March 28, 2011

AS: THE EAST 10 FEET OF THE NORTH 75 FEET OF THE WEST 95 FEET , ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the conveyance of the above-described easements to MidAmerican Energy Company for \$1 to provide electrical service to City facilities, be and is hereby approved.
4. The Mayor is authorized and directed to sign the easements 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 the easements, 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 the documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the easements, 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 easements and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of these easements.

Moved by Meyer to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

rw

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

MOTION CARRIED 7 APPROVED
T. M. Franklin Cownie 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