

Date April 11, 2011

HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC LINE EASEMENT ON CITY-OWNED PROPERTY LOCATED AT SE 9<sup>TH</sup> STREET AND JACKSON AVENUE TO MIDAMERICAN ENERGY COMPANY FOR THE JACKSON AVENUE DETENTION BASIN PUMP STATION FOR \$1

WHEREAS, MidAmerican Energy Company ("MidAmerican") electric transmission lines are required for electric service for the Jackson Avenue Detention Basin Pump Station project, and thus MidAmerican has requested an underground electric line easement across City-owned property for this project; and

WHEREAS, the City of Des Moines needs to grant the requested easement to allow completion of the aforementioned project and to provide electrical service to the City facility, and, if approved, the underground electric line easement will be terminable and conditional upon the use of said easement by MidAmerican to provide electricity to the City; and

WHEREAS, on March 28, 2011, by Roll Call No. 11-0515, it was duly resolved by the City Council that the proposed conveyance of the easements be set down for hearing on April 11, 2011, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey the easement was 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 these 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 a 10-foot underground electric line easement to MidAmerican Energy Company across City-owned property locally known as SE 9th Street and Jackson Avenue to provide electrical service for the Jackson Avenue Detention Basin Pump Station, more specifically described as follows, for \$1, and said conveyance is hereby approved:

A STRIP OF LAND WITHIN THAT PORTION OF LOT 1 OF THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY IOWA, SAID STRIP BEING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID LOT 1 WITH THE EAST RIGHT-OF-WAY LINE OF SAID SOUTHEAST 9TH STREET; THENCE NORTH 00° (DEGREES) 03' (MINUTES) 19" (SECONDS) WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE 1153.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65°14'59" EAST, 78.27 FEET; THENCE NORTH 78°05'53" EAST, 78.58 FEET; THENCE SOUTH 88°23'15" EAST, 271.00 FEET TO THE END OF SAID CENTERLINE, CONTAINING 4858 SQUARE FEET, MORE OR LESS.

★ Roll Call Number  
11-0630

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3. The Mayor is authorized and directed to sign the 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 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 the documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the 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.
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 grantees.
7. There will be no proceeds associated with the conveyance of this easement.

Moved by Moore to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
MOORE	✓			
TOTAL	6			1

T. M. Funderburg 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 Fauh City Clerk