

★ Roll Call Number

11-0829

Agenda Item Number

53

Dispositions – Des Moines Water Works: Page 1

Date May 9, 2011

**HOLD HEARING FOR THE CONVEYANCE OF A PERMANENT WATER
MAIN EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 4315
S.E. 14th STREET TO DES MOINES WATER WORKS FOR \$1.00**

WHEREAS, the Des Moines Water Works (“DMWW”) owns and operates an existing water main under S.E. 14th Street in Des Moines to provide water service to the public; and

WHEREAS, DMWW is in the process of making repairs to said water main and has requested a Permanent Easement for Water Main Right-of-way for realignment of this water main and water line across City-owned property located at 4315 SE 14th; and

WHEREAS, on April 25, 2011, by Roll Call No. 11-0677, it was duly resolved by the City Council that the proposed establishment and conveyance of a permanent water main easement across City-owned property located at 4315 S.E. 14th Street, to the City of Des Moines, for the use and benefit of Board of Water Works Trustees of the City of Des Moines, be set down for hearing on May 9, 2011, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to establish and grant this easement to the City of Des Moines, for the use and benefit of Board of Water Works Trustees of the City of Des Moines, 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 a permanent easement as described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the establishment and conveyance of a permanent water main easement across City-owned property located at 4315 S. E. 14th Street to the City of Des Moines, Iowa, for the use and benefit of Board of Water Works Trustees of the City of Des Moines, a governmental body, for a public purpose as authorized by Iowa Code Section 364.7(3), and said establishment and conveyance is hereby approved, said easement being more specifically described as follows:

THE EASTERLY 20.00 FEET OF THE WESTERLY 65.00 FEET OF THE FOLLOWING DESCRIBED PARCEL IN WARRANTY DEED RECORDED IN BOOK 13555, PAGES 433-436 IN THE OFFICE OF POLK COUNTY, IOWA RECORDER:

THE SOUTH 195 FEET OF THE SOUTH ½ OF THE SW ¼ OF THE NW ¼ OF THE SW ¼ EXCEPT THE SOUTH 10 FEET THEREOF, SECTION 23, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

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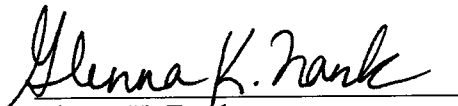
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4. The Mayor is authorized and directed to sign the Permanent Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this Permanent 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 Permanent 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 Permanent Easement and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this easement.

Moved by Meyer to adopt.

APPROVED AS TO FORM:



Glenna K. Frank
Assistant City Attorney

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.

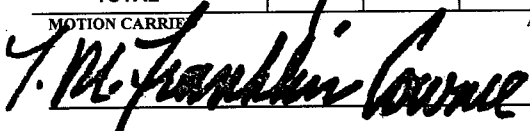
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

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

MOTION CARRIES

APPROVED

 Mayor