

★ Roll Call Number

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**HOLD HEARING FOR CONVEYANCE OF PERMANENT WATER MAIN EASEMENTS ACROSS  
VARIOUS CITY-OWNED PROPERTIES TO DES MOINES WATER WORKS FOR \$1.00**

**WHEREAS**, the Des Moines Water Works ("DMWW") owns and operates an existing water main under the 4200 block of East University Avenue 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 the 4200 block of East University Avenue, which easement will not inconvenience the City insofar as the easement is subordinate to the City's right to maintain its sewers and storm sewer flows within the area; and

**WHEREAS**, on February 22, 2010, by Roll Call 10-250, the City Council approved a Compensation Agreement by and between the City and DMWW for Relocation of Water Utility Facilities in Connection with the Des Moines and Raccoon Rivers – Birdland Levee Project; and

**WHEREAS**, DMWW has completed construction of the water main replacement as required by the Compensation Agreement, and as agreed upon and provided for in said Agreement, has requested a Permanent Easement for water main right-of-way across City-owned property along Saylor Road within Union Park and within Birdland Drive, a park road in Birdland Park.

**WHEREAS**, on May 23, 2011, by Roll Call No. 11-0887, it was duly resolved by the City Council that the proposed establishment and conveyance of permanent water main easements across various City-owned properties, 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 June 13, 2011, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to grant these easements 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 these proposed conveyances, 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 permanent easements, 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 the 4200 block of East University Avenue to the City of Des Moines, Iowa, for the use and benefit of Board of Water Works Trustees of the City of Des Moines,

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a governmental body, for a public purpose as authorized by Iowa Code Section 364.7(3), subordinate to the City's interest in the area, and said establishment and conveyance is hereby approved, said easement being more specifically described as follows:

The North 50.00 feet of OUTLOT X, VALLEY HIGH MANOR, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County Iowa said plat is recorded in Book M, Pages 301 in the Office of Polk County, Iowa Recorder.

3. The public would not be inconvenienced by reason of the establishment and conveyance of a permanent water main easement across City-owned property along Saylor Road within Union Park and within Birdland Drive, a park road in Birdland Park, to and 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 in accordance with the above-referenced Compensation Agreement, and said establishment and conveyance is hereby approved, said easement being more specifically described as follows:

PERPETUAL EASEMENT FOR WATER MAIN ACROSS PART OF THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; EASEMENT BEING A STRIP EASEMENT 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ¼ OF SAID SECTION 35; THENCE SOUTH 00° (DEGREES) 18' (MINUTES) 33" (SECONDS) EAST, ALONG THE WEST LINE OF SAID NORTHWEST ¼, A DISTANCE OF 376.45 FEET; THENCE NORTH 89° 41' 27" EAST, 65.43 FEET TO POINT OF BEGINNING, SAID POINT BEING AT A 16" SOLID SLEEVE ON A 16" WATER MAIN; THENCE NORTH 00° 07' 35" EAST, ALONG SAID 16" WATER MAIN 29.03 FEET TO A 16" X 16" TEE; THENCE SOUTH 86° 45' 27" EAST, 4.38 FEET TO 16" GATE VALVE; THENCE SOUTH 80° 57' 36" EAST, 10.94 FEET TO 16" X 6" TEE ON SAID 16" WATER MAIN; THENCE SOUTH 08° 53' 28" WEST, 1.75 FEET ALONG A 6" WATER MAIN TO 6" GATE VALVE; THENCE SOUTH 08° 53' 28" WEST, 18.00 FEET ALONG A 6" WATER MAIN TO FIRE HYDRANT; THENCE SOUTH 08° 53' 28" WEST, 10.00 FEET; THENCE NORTH 08° 53' 28" EAST, 29.75 FEET TO SAID 16" WATER MAIN; THENCE SOUTH 80° 45' 54" EAST ALONG SAID 16" WATER MAIN, 7.75 FEET TO 16" SOLID SLEEVE; THENCE CONTINUING ALONG SAID 16" WATER MAIN SOUTH 79° 06' 06" EAST, 62.16 FEET; THENCE SOUTH 77° 30' 55" EAST, 106.75 FEET; THENCE SOUTH 73° 43' 00" EAST, 111.16 FEET; THENCE SOUTH 69° 03' 45" EAST, 102.56 FEET; THENCE SOUTH 66° 34' 20" EAST, 104.45 FEET; THENCE SOUTH 66° 49' 31" EAST, 103.85 FEET; THENCE SOUTH 66° 47' 27" EAST, 104.10 FEET; THENCE SOUTH 66° 52' 23" EAST, 101.68 FEET TO 16" X 6" TEE; THENCE SOUTH 24° 29' 04" WEST ALONG A 6" WATER MAIN, 2.95 FEET TO 6" GATE VALVE; THENCE SOUTH 24° 29' 04" WEST, 12.00 FEET TO FIRE HYDRANT; THENCE SOUTH 24° 29' 04" WEST, 10.00 FEET; THENCE NORTH 24° 29' 04" EAST, 24.95 FEET TO SAID 16" WATER MAIN; THENCE CONTINUING ALONG SAID 16" WATER MAIN SOUTH

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66° 04' 55" EAST, 127.60 FEET; THENCE SOUTH 58° 17' 36" EAST, 100.95 FEET; THENCE SOUTH 49° 25' 41" EAST, 102.11 FEET; THENCE SOUTH 41° 45' 47" EAST, 106.57 FEET; THENCE SOUTH 40° 46' 23" EAST, 102.67 FEET; THENCE SOUTH 40° 47' 18" EAST, 104.67 FEET; THENCE SOUTH 40° 57' 49" EAST, 104.80 FEET; THENCE SOUTH 48° 40' 49" EAST, 103.17 FEET; THENCE SOUTH 59° 11' 11" EAST, 90.72 FEET; THENCE SOUTH 53° 25' 50" EAST, 24.25 FEET TO 16" SOLID SLEEVE; THENCE SOUTH 75° 05' 05" EAST, 79.59 FEET; THENCE SOUTH 81° 38' 07" EAST, 72.96 FEET TO 16" X 6" TEE; THENCE SOUTH 02° 58' 18" WEST ALONG A 6" WATER MAIN, 1.60 FEET TO 6" GATE VALVE; THENCE SOUTH 02° 58' 18" WEST, 11.50 FEET TO FIRE HYDRANT; THENCE SOUTH 02° 58' 18" WEST, 10.00 FEET; THENCE NORTH 02° 58' 18" EAST, 23.10 FEET TO SAID 16" WATER MAIN; THENCE CONTINUING ALONG SAID 16" WATER MAIN SOUTH 85° 50' 48" EAST, 48.70 FEET TO 16" (11 ¼ DEGREE BEND); THENCE NORTH 69° 15' 30" EAST, 37.88 FEET TO 16" (11 ¼ DEGREE BEND); THENCE NORTH 60° 03' 22" EAST, 59.00 FEET; THENCE NORTH 55° 20' 29" EAST, 137.42 FEET; THENCE NORTH 58° 17' 10" EAST, 171.60 FEET; THENCE NORTH 58° 11' 42" EAST, 63.19 FEET; THENCE NORTH 60° 23' 46" EAST, 26.23 FEET; THENCE NORTH 52° 51' 11" EAST, 17.24 FEET; THENCE NORTH 59° 48' 08" EAST, 60.88 FEET TO 16" SOLID SLEEVE; THENCE NORTH 62° 24' 57" EAST, 80.18 FEET; THENCE NORTH 61° 50' 15" EAST, 26.40 FEET; THENCE NORTH 65° 14' 32" EAST, 30.88 FEET TO 16" X 8" TEE; THENCE CONTINUING ALONG SAID 16" WATER MAIN NORTH 61° 00' 07" EAST, 46.39 FEET TO 16" (90 DEGREE BEND); THENCE NORTH 24° 00' 01" WEST, 179.77 FEET; THENCE NORTH 23° 14' 53" WEST, 73.89 FEET; THENCE NORTH 24° 53' 34" WEST, 197.50 FEET TO 16" X 6" TEE; THENCE NORTH 53° 15' 36" EAST ALONG A 6" WATER MAIN, 3.44 FEET TO 6" GATE VALVE; THENCE NORTH 53° 15' 36" EAST, 3.00 FEET TO FIRE HYDRANT; THENCE NORTH 53° 15' 36" EAST, 10.00 FEET; THENCE SOUTH 53° 15' 36" WEST, 16.44 FEET TO SAID 16" WATER MAIN; THENCE CONTINUING ALONG SAID 16" WATER MAIN NORTH 26° 37' 51" WEST, 177.91 FEET; THENCE NORTH 24° 37' 07" WEST, 39.94 FEET TO 2" SERVICE TAP; THENCE NORTH 22° 48' 41" WEST, 48.58 FEET TO 16" (45 DEGREE BEND); THENCE NORTH 20° 26' 30" EAST, 95.89 FEET TO 16" (22 ½ DEGREE BEND); THENCE NORTH 01° 18' 39" EAST, 6.03 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GUTHRIE AVENUE. SAID POINT BEING 488.66 FEET WESTERLY OF THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF SAID SECTION 35, AS MEASURED ON A BEARING OF SOUTH 89° 58' 15" WEST ALONG THE NORTH LINE OF SAID NORTHWEST ¼, AND 137.05 FEET NORMAL DISTANCE AS MEASURED ON A BEARING OF SOUTH 00° 01' 45" EAST FROM THE NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 35. SAID POINT ALSO BEING THE END OF SAID 20.00 FOOT WIDE WATER MAIN EASEMENT. THE SIDE LINES OF SAID 20.00 FOOT WIDE EASEMENT TO BE EXTENDED OR SHORTEN TO MEET AND TO TERMINATE AT SOUTH RIGHT-OF-WAY LINE OF GUTHRIE AVENUE.

{Surveyors Note: EASEMENT CONSTRUCTION WAS DEVELOPED FROM THE COMBINATION OF FIELD MEASUREMENTS AND AS-BUILT INFORMATION OF 16" WATER MAIN LOCATION AS SHOWN ON DES MOINES WATER WORKS ENGINEERING DEPARTMENT PLANS "2010 BIRDLAND LEVEE WATER MAIN RELOCATIONS - 6<sup>TH</sup> AVENUE TO SAYLOR ROAD", PROJECT NUMBER: 548-368-1010.}

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4. The Mayor is authorized and directed to sign the Permanent Easements for the conveyances 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 originals of these Permanent 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 said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the originals of the Permanent 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 originals of the Permanent 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 Coleman to adopt

APPROVED AS TO FORM

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*PCW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIES	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER				✓
MOORE	✓			
TOTAL	6			1

MOTION CARRIED 7. 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