



**Roll Call Number**

11-1500

**Agenda Item Number**

63

**Date** August 29, 2011

**CONTINUED HEARING FOR CONVEYANCE OF OVERHEAD AND UNDERGROUND  
ELECTRIC LINE EASEMENTS ON CITY-OWNED PROPERTIES TO  
MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, MidAmerican Energy Company (“MidAmerican”) electric transmission lines are required for electric service for the Grandview Golf Course Clubhouse, and thus MidAmerican has requested an electric line easement across City-owned property for this project; and

**WHEREAS**, on March 28, 2011, by Roll Call No. 11-0548, the Des Moines City Council approved conveyance of an underground electric line easement across City-owned property locally known as 2715 Dean Avenue to provide electrical service for the Fire Department Training & Logistics Facility, which easement was recorded on April 26, 2011 in Book 13833, Page 25 in the office of the Polk County Recorder; and

**WHEREAS**, subsequent to recording of this easement, MidAmerican and City staff determined that the underground electric line serving the Fire Department Training and Logistics Facility had been constructed outside of the easement area, and thus MidAmerican has requested a corrected electric line easement, subject to release by MidAmerican of the previously recorded easement; 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 July 25, 2011, by Roll Call No. 11-1285, it was duly resolved by the City Council that the proposed conveyance of the easements be set down for hearing on August 8, 2011, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, on August 8, 2011, by Roll Call No. 11-1392, the hearing on said proposal was opened and continued to August 29, 2011, because of a change in the location of the easement for the Grandview Golf Course Clubhouse; and

**WHEREAS**, due notice of the proposal to convey the easements 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, that:

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 these easements on City-owned property, more specifically described as follows:

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- A. A 20-foot overhead electric line easement to MidAmerican Energy Company across City-owned property locally known as 2401 East 29<sup>th</sup> Street to provide electrical service for the Grandview Golf Course Clubhouse:

A 40-FOOT WIDE OVERHEAD ELECTRIC LINE EASEMENT ON GRANDVIEW GOLF COURSE PROPERTY TO MIDAMERICAN ENERGY COMPANY MORE PARTICULARLY DESCRIBED AS:

A STRIP OF LAND 40-FEET WIDE WHOSE CENTERLINE BEGINS AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF EAST 29<sup>TH</sup> STREET A DISTANCE OF 388.37 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF EAST SHERIDAN AVENUE; THENCE EAST 20.00 FEET TO THE POINT OF TERMINATION, 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 to MidAmerican Energy Company across City-owned property locally known as 2715 Dean Avenue to provide electrical service for the Fire Department Training and Logistics Facility (City Capital Improvement Project Fire Protection Improvements Maintenance/Logistics and Training Campus), subject to release by MidAmerican of the existing easement recorded in Book 13833, Page 25 in the office of the Polk County Recorder:

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 AT A POINT ON THE EAST LINE OF LOT 1 OF ROLLIN'S HOSIERY PLACE REPLAT, AN OFFICIAL PLAT, AT A POINT 25.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE APPROXIMATELY 224.0 FEET WESTERLY TO A POINT 20.0 FEET NORTH OF THE SOUTHERLY LINE OF SAID LOT 1; THENCE NORTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF APPROXIMATELY 35.0 FEET TO THE TERMINUS OF SAID STRIP, 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 originals 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 originals 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.

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- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the originals of the easement and copies of the other documents to the grantees.
- 8. There will be no proceeds associated with the conveyance of these easements.

Moved by Moore to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*BSN*

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

MOTION CARRIED 7 APPROVED

Y. 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