

★ Roll Call Number
11-2120

Agenda Item Number
22

Date December 19, 2011

**SET HEARING FOR CONVEYANCE OF A PERMANENT WATER MAIN EASEMENT
TO DES MOINES WATER WORKS FOR THE GRAND AVENUE OVER WALNUT CREEK
BRIDGE REPLACEMENT PROJECT**

WHEREAS, construction of the City's Grand Avenue over Walnut Creek Bridge Replacement Project conflicts with the existing water main owned by the City of Des Moines, Iowa, for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, also known as Des Moines Water Works, that services properties south of Grand Avenue in the project location; and

WHEREAS, the existing water main is being relocated and extended in order to maintain service to the public during and following project construction without interruption; and

WHEREAS, Des Moines Water Works has requested a Permanent Easement for Water Main Right-of-Way across City-owned property located south of Grand Avenue and east of Walnut Creek for the relocated and extended water main, and the City will not be inconvenienced by the conveyance of said easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa proposes to establish and grant a permanent water main easement across City-owned property south of Grand Avenue and east of Walnut Creek, more specifically described below, 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):

A PART OF OUTLOT "X", MURROWDALE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6, MURROWDALE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 1° (DEGREES) 28' (MINUTES) 26" (SECONDS) EAST, 161.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 73°19'18" WEST, 7.70 FEET; THENCE NORTH 16°40'42" WEST, 20.00 FEET; THENCE NORTH 73°19'18" EAST, 14.26 FEET; THENCE SOUTH 1°28'26" WEST, 21.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (220 S.F.)

2. A public hearing shall be held on January 9, 2012, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There will be no proceeds associated with the conveyance of this easement.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

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

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.

T. M. Franklin Mayor
 City Council

Diane Rauh City Clerk