

★ Roll Call Number  
12-006D

Agenda Item Number  
41

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Date January 9, 2012

**HOLD 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; and

**WHEREAS**, on December 19, 2011, by Roll Call No. 11-2120, it was duly resolved by the City Council that the proposed conveyance of a permanent water main easement across City-owned property located South of Grand Avenue and east of Walnut Creek, 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 January 9, 2012, 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 south of Grand Avenue and east of Walnut Creek 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:

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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.)

3. 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.
4. 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.
5. 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.
6. 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 grantees.
7. There will be no proceeds associated with the conveyance of this easement.

Moved by Hensley 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	7			

T. 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