

★ Roll Call Number

12-047

Agenda Item Number

36

Date March 12, 2012

**HEARING FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC EASEMENT ON CITY-OWNED PROPERTY AT 102 45<sup>TH</sup> STREET TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, an underground electric transmission line is required for electric service for the City's Ashworth Park Swimming Pool facilities at the real property locally known as 102 45<sup>th</sup> Street, and thus MidAmerican Energy Company has requested an electric line easement across said City-owned property for this project; and

**WHEREAS**, the City of Des Moines needs to grant the requested easement to provide electrical service to this City facility; and

**WHEREAS**, on February 27, 2012, by Roll Call No. 12-0280, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on March 12, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal to convey the permanent easement 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 a permanent easement on City-owned property at 102 45<sup>th</sup> Street, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of a permanent underground electric line easement on City-owned property locally known as 102 45<sup>th</sup> Street and used for the Ashworth Park Swimming Pool facilities, more specifically described as follows:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE SOUTHEAST QUARTER (SE 1/4) AND THE NORTHEAST QUARTER (NE 1/4) OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS:

A STRIP OF LAND 10-FEET WIDE WHOSE CENTERLINE BEGINS AT A POINT WHICH IS 14 FEET NORTH OF THE SOUTH LINE OF SAID NE 1/4 AND 487 FEET EAST OF THE WEST LINE OF SAID NE 1/4; THENCE SOUTHWESTERLY TO A POINT WHICH IS 18 FEET SOUTH OF THE NORTH LINE OF SAID SE 1/4 AND 356 FEET EAST OF THE WEST LINE OF SAID SE 1/4; THENCE SOUTHWESTERLY TO A POINT WHICH IS 103 FEET SOUTH OF SAID NORTH LINE AND 304 FEET EAST OF THE SAID WEST LINE TO A TERMINUS OF SAID STRIP.

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3. That the conveyance of the above-described permanent underground electric line easement to MidAmerican Energy Company for \$1 to provide electrical service to the City's Ashworth Park Swimming Pool facilities, be and is hereby approved.
4. The Mayor is authorized and directed to sign the easement 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 original of the 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 the documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the 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 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 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	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

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