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12-0490

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Date March 26, 2012

**HOLD HEARING FOR CONVEYANCE OF VARIOUS RIGHTS-OF-WAY AND EASEMENTS TO THE STATE OF IOWA AND THE CITY OF NORWALK FOR PORTIONS OF IOWA HIGHWAY 5, IOWA HIGHWAY 28 AND A SEGMENT OF ECHO VALLEY DRIVE LOCATED NEAR THE DES MOINES INTERNATIONAL AIRPORT**

**WHEREAS**, on April 15, 1996, by Roll Call No. 96-1400, the Des Moines City Council approved a Pre-Design Project Agreement 95-P-169 between Polk County, Warren County, City of Des Moines, City of West Des Moines, City of Norwalk, Des Moines Area Metropolitan Planning Organization, Des Moines International Airport Board, and the Iowa Department of Transportation, outlining each agency's responsibilities including property acquisition in relation to various public improvement projects and providing for the jurisdictional transfer of right-of-way following completion of said projects; and

**WHEREAS**, on September 3, 1996, by Roll Call No. 96-3105, the City Council approved a Cooperative Agreement requiring the City of Des Moines to acquire right-of-way and easements on behalf of the City and on behalf of the State of Iowa, Department of Transportation for the Airport Runway 13R-31L, Iowa 28 Relocation and the Iowa 5 Bypass Projects, and to convey said property interests to the State and the City of Norwalk following project completion; and

**WHEREAS**, the above stated projects have been completed and pursuant to the aforementioned Agreements, the City of Des Moines needs to convey by deed and easement segments of Iowa Highway 5 and Highway 28 right-of-way and sewer and backslope easements to the State of Iowa, for the benefit and use of the Department of Transportation, and the west segment of Echo Valley Drive right-of-way located within the city limits of Norwalk to the City of Norwalk, all conveyances being subject to reservation of a Noise and Avigation Easement on all property interests being conveyed; and

**WHEREAS**, on March 12, 2012, by Roll Call No. 12-0383, it was duly resolved by the City Council that the proposed conveyance of various rights-of-way and easements for portions of Iowa Highway 5, Iowa Highway 28 and a segment of Echo Valley Drive located near the Des Moines International Airport, be set down for hearing on March 26, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this public real property 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:

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1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of these property interests, as described below, are hereby overruled and the hearing is closed.

2. The public would not be inconvenienced by reason of the conveyance and assignment by deed and easement, as applicable and as stated below, of the following described segments of Iowa Highway 5 and Iowa Highway 28 right-of-way and sewer and backslope easements to the State of Iowa, for the benefit and use of the Department of Transportation, in accordance with Iowa Code Section 364.7(3), subject to reservation of a Noise and Avigation Easement:

LEGAL DESCRIPTION: IA 28 FROM COUNTY LINE TO IA 5 NORWALK CITY LIMIT; FEE SIMPLE INTEREST

A PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS)WEST ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 1178.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°49'15" WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 292.41 FEET; THENCE NORTH 46°39'57" WEST, 1024.93 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE(ROW) OF IA 28 TO THE ORIGINAL CONSTRUCTION STATION LINE OF RELOCATED IA 5 AND THE CITY LIMITS BETWEEN NORWALK AND DES MOINES; THENCE NORTH 88°33'58" EAST, 283.99 FEET ALONG SAID CITY LIMIT LINE TO THE EASTERLY ROW LINE OF IA 28 ; THENCE SOUTH 46°39'57" EAST, 1036.62 FEE TO THE POINT OF BEGINNING AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO 13975, ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, POLK COUNTY, IOWA AND CONTAINING 206,154 SQUARE FEET OR 4.73 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE HORIZONTAL SURFACE ELEVATION 1107 NGVD AS SHOWN.

LEGAL DESCRIPTION: IA 28 FROM IA 5 NORWALK CITY LIMIT TO GREAT WESTERN TRAIL; FEE SIMPLE INTEREST

A PART OF THE SOUTHEAST 1/4, A PART OF THE SOUTHWEST 1/4, AND A PART OF THE NORTHWEST 1/4 IN SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST AND A PART OF THE NORTHEAST 1/4 IN SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS)WEST ALONG THE SOUTH LINE OF SAID SECTION

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36 A DISTANCE OF 1178.18 FEET TO THE EASTERLY RIGHT-OF-WAY(ROW) LINE OF IA 28; THENCE CONTINUING NORTH 89°49'15" WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 292.41 FEET TO THE WESTERLY ROW LINE OF IA 28; THENCE NORTH 46°39'57" WEST, 1024.93 FEET ALONG SAID WESTERLY IA 28 ROW LINE TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 46°39'57" WEST, 861.58 FEET TO THE INTERSECTION OF THE WEST ROW LINE OF IA 28 AND THE NORTH ROW LINE OF IA 5; THENCE SOUTH 85°52'11" WEST, 13.56 FEET; THENCE NORTH 46°39'57" WEST, 342.65 FEET; THENCE NORTHWEST ALONG A 11,372.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 3°31'36", A CHORD DISTANCE OF 699.91 FEET, A CHORD BEARING OF NORTH 48°25'44" WEST, FOR AN ARC DISTANCE OF 700.02 FEET; THENCE NORTH 53°56'27" EAST, 14.44 FEET; THENCE NORTHWEST ALONG A 11,386.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 0°31'10", A CHORD DISTANCE OF 103.23 FEET, A CHORD BEARING OF NORTH 50°26'04" WEST, FOR AN ARC DISTANCE OF 103.23 FEET; THENCE SOUTH 53°56'27" WEST, 14.47 FEET; THENCE NORTHWEST ALONG A 11,372.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 3°07'34", A CHORD DISTANCE OF 620.45 FEET, A CHORD BEARING OF NORTH 52°16'32" WEST, FOR AN ARC DISTANCE OF 620.53 FEET; THENCE NORTH 53°50'19" WEST, 819.49 FEET; THENCE SOUTH 36°15'25" WEST, 34.17 FEET TO THE SOUTHERLY LINE OF THE PINE AVENUE RIGHT-OF-WAY; THENCE NORTH 53°44'35" WEST, 95.14 FEET TO THE NORTHERLY LINE OF THE PINE AVENUE RIGHT-OF-WAY; THENCE NORTH 53°44'35" WEST, 283.49 FEET; THENCE NORTH 63°38'43" WEST, 108.76 FEET TO THE WEST LINE OF SAID SECTION 36; THENCE CONTINUING NORTH 63°38'43" WEST, 54.64 FEET IN SAID SECTION 35; THENCE NORTH 55°39'08" WEST, 166.42 FEET; THENCE NORTH 51°34'37" WEST, 504.42 FEET; THENCE NORTH 41°37'43" WEST, 179.07 FEET; THENCE NORTH 34°45'44" WEST, 201.24 FEET; THENCE NORTH 45°51'29" WEST, 164.41 FEET; THENCE NORTH 22°11'50" WEST, 292.98 FEET; THENCE NORTH 14°33'23" WEST, 253.47 FEET; THENCE NORTH 22°50'30" WEST, 166.53 FEET TO THE SOUTHERLY LINE OF THE GREAT WESTERN TRAIL RIGHT-OF-WAY; THENCE NORTH 67°29'49" EAST ALONG THE SOUTHERLY LINE OF SAID TRAIL RIGHT-OF-WAY, 384.68 FEET; THENCE SOUTH 0°06'01" EAST, 398.80 FEET; THENCE SOUTH 22°52'53" EAST, 303.40 FEET; THENCE SOUTH 43°16'09" EAST, 309.11 FEET; THENCE SOUTH 56°20'59" EAST, 292.25 FEET; THENCE SOUTH 54°29'40" EAST, 331.29 FEET; THENCE SOUTH 43°51'15" EAST, 334.45 FEET; THENCE SOUTH 54°14'01" EAST, 635.46 FEET; THENCE SOUTH 53°56'10" WEST, 28.25 FEET; THENCE SOUTH 53°50'19" EAST, 566.54 FEET; THENCE SOUTHEAST ALONG A 11,582.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 3°23'51", A CHORD DISTANCE OF 686.75 FEET, A CHORD BEARING OF SOUTH 52°08'23" EAST, FOR AN ARC DISTANCE OF 686.85 FEET; THENCE SOUTH 53°56'27" WEST, 4.13 FEET; THENCE SOUTHEAST ALONG A 11,578.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 0°30'37", A CHORD DISTANCE OF 103.12 FEET, A CHORD BEARING OF SOUTH 50°11'27" EAST, FOR AN ARC DISTANCE OF 103.12 FEET; THENCE NORTH 53°56'27" EAST, 4.12 FEET; THENCE SOUTHEAST ALONG A 11,582.92 FOOT RADIUS CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 3°15'55", A CHORD DISTANCE OF 660.00 FEET, A CHORD BEARING OF SOUTH 48°17'52" EAST, FOR AN ARC DISTANCE OF 660.09 FEET; THENCE SOUTH 46°39'57" EAST, 1415.02 FEET TO THE CITY LIMITS LINE WITH NORWALK; THENCE SOUTH 88°33'58" WEST, 283.99 FEET ALONG SAID CITY LIMITS LINE TO THE POINT OF BEGINNING AS SURVEYED AND MONUMENTED IN THE

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FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO 13975, ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 150,804 SQUARE FEET IN THE SOUTHEAST 1/4 OF SAID SECTION 36, 458,756 SQUARE FEET IN THE SOUTHWEST 1/4 OF SAID SECTION 36, 306,272 SQUARE FEET IN THE NORTHWEST 1/4 OF SAID SECTION 36, AND 545,779 SQUARE FEET IN THE NORTHEAST 1/4 OF SAID SECTION 35 FOR A TOTAL OF 1,461,612 SQUARE FEET OR 33.55 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE APPROACH SURFACE, TRANSITIONAL SURFACE AND HORIZONTAL SURFACE ELEVATION CONTOURS AS SHOWN.

LEGAL DESCRIPTION: IA 28 FROM COUNTY LINE TO IA 5 NORWALK CITY LIMIT; PERMANENT BACKSLOPE EASEMENT

A PART OF THE EAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89(DEGREES)°49'(MINUTES)15"(SECONDS) WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, A DISTANCE OF 859.65' FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°49'15" WEST ALONG SAID SOUTH LINE, 318.53 FEET; THENCE NORTH 57°37'44" EAST, 214.28 FEET; THENCE SOUTH 49°55'28" EAST, 179.75 FEET TO THE POINT OF BEGINNING AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975, ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, POLK COUNTY, IOWA AND CONTAINING 18,362 SQUARE FEET.

LEGAL DESCRIPTION: IA 5 EAST OF IA 28 IN NORWALK AND IN SECTION 36-78-25; FEE SIMPLE INTEREST

A PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS)WEST ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 1178.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 46°39'57" WEST, 1036.62 FEET ALONG THE EASTERLY RIGHT-OF-WAY(ROW) LINE OF IA 28 TO THE INITIAL CONSTRUCTION STATION LINE OF IA 5 AND THE NORWALK CITY LIMITS; THENCE NORTH 88°33'58" EAST, 1789.06 FEET ALONG SAID STATION LINE AND CITY LIMITS TO THE WEST ROW LINE OF SW 42ND STREET; THENCE SOUTH 3°24'14" WEST, 93.73 FEET ALONG SAID WEST ROW LINE OF SW 42ND STREET; THENCE SOUTH 0°03'55" WEST, 190.56 FEET ALONG SAID WEST ROW LINE OF SW 42ND STREET; THENCE SOUTH 75°44'13" WEST, 341.47 FEET; THENCE SOUTH 54°45'25" WEST, 364.67 FEET; THENCE SOUTH 74°00'46" WEST, 227.78 FEET; THENCE SOUTH 57°37'44" WEST, 214.28 FEET TO THE POINT OF BEGINNING AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED

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SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, POLK COUNTY, IOWA AND CONTAINING 771,228 SQUARE FEET OR 17.70 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE HORIZONTAL SURFACE ELEVATION 1107 NGVD AS SHOWN.

LEGAL DESCRIPTION: IA 5 WEST OF IA 28 IN NORWALK AND IN SECTION 36-78-25; FEE SIMPLE INTEREST

A PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS) WEST ALONG THE SOUTH LINE OF SAID SECTION 36 AND THE POLK COUNTY LINE, A DISTANCE OF 1178.18 FEET TO THE EAST RIGHT-OF-WAY(ROW) LINE OF IA 28; THENCE CONTINUING NORTH 89°49'15" WEST ALONG SAID COUNTY LINE AND SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 292.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°49'15" WEST ALONG SAID SECTION LINE 1137.84 FEET TO A FOUND CONCRETE MONUMENT AT THE NORTH 1/4 CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND THE SOUTH 1/4 CORNER OF SAID SECTION 36; THENCE CONTINUING NORTH 89°40'39" WEST ALONG SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 2615.82 FEET TO A FOUND 3/4" PIPE AT THE NORTHWEST CORNER OF SAID SECTION 1, ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE NORTH 1°17'06" WEST ALONG THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 609.59 FEET TO THE INITIAL CONSTRUCTION STATION LINE OF IA 5 AND THE NORWALK CITY LIMITS; THENCE NORTH 88°33'58" EAST, 3022.73 FEET ALONG SAID STATION LINE AND CITY LIMITS TO THE WEST ROW LINE OF IA 28; THENCE SOUTH 46°39'57" EAST, 1024.93 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, POLK COUNTY, IOWA AND CONTAINING 536,937 SQUARE FEET IN THE SOUTHEAST 1/4 OF SAID SECTION 36 AND 1,701,344 SQUARE FEET IN THE SOUTHWEST 1/4 OF SAID SECTION 36 FOR A TOTAL OF 2,238,281 SQUARE FEET OR 51.38 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE APPROACH SURFACE, TRANSITIONAL SURFACE AND HORIZONTAL SURFACE ELEVATION CONTOURS AS SHOWN.

LEGAL DESCRIPTION: IA 5 EAST OF IA 28 IN DES MOINES AND IN SECTION 36-78-25; FEE SIMPLE INTEREST

A PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS)WEST ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 1178.18 FEET; THENCE NORTH 46°39'57" WEST, 1036.62 FEET ALONG THE EASTERLY RIGHT-OF-WAY(ROW) LINE OF IA 28 TO THE INITIAL CONSTRUCTION STATION LINE OF IA 5 AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 46°39'57" WEST, 1063.21 FEET ALONG THE EASTERLY ROW LINE OF IA 28; THENCE NORTH 43°20'03" EAST, 139.72 FEET; THENCE NORTH 55°42'01" EAST, 260.19 FEET; THENCE NORTH 77°33'58" EAST, 304.59 FEET; THENCE SOUTH 77°45'54" EAST, 456.41 FEET; THENCE SOUTH 58°48'10" EAST, 396.78 FEET; THENCE SOUTH 56°30'00" EAST, 805.35 FEET; THENCE NORTH 90°00'00" EAST, 511.54 FEET TO THE WEST ROW LINE OF SW 42ND STREET; THENCE SOUTH 3°24'14" WEST, 252.38 FEET TO THE INITIAL CONSTRUCTION STATION LINE OF IA 5; THENCE SOUTH 88°33'58" WEST, 1789.06 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 6,473 SQUARE FEET IN THE SOUTHWEST 1/4 OF SAID SECTION 36 AND 1,469,279 SQUARE FEET IN THE SOUTHEAST 1/4 OF SAID SECTION 36 FOR A TOTAL OF 1,475,752 SQUARE FEET OR 33.88 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE TRANSITIONAL AND HORIZONTAL SURFACE ELEVATION CONTOURS AS SHOWN.

LEGAL DESCRIPTION: IA 5 WEST OF IA 28 IN DES MOINES AND IN SECTION 36-78-25; FEE SIMPLE INTEREST

A PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 15"(SECONDS)WEST ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 1178.18 FEET; THENCE CONTINUING NORTH 89°49'15"WEST ALONG AND SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 292.41 FEET; THENCE NORTH 46°39'57" WEST, 1024.93 FEET ALONG THE WESTERLY RIGHT-OF-WAY(ROW) LINE OF IA 28 TO THE INITIAL CONSTRUCTION STATION LINE OF IA 5, AND THE POINT OF BEGINNING AT THE DES MOINES CITY LIMITS; THENCE SOUTH 88°33'58" WEST, 3022.73 FEET ALONG SAID STATION LINE AND SAID CITY LIMITS LINE TO THE WEST LINE OF SAID SECTION 36; THENCE NORTH 1°17'06" WEST ALONG THE WEST LINE OF SAID SECTION 36, 209.97 FEET; THENCE NORTH 88°33'58" EAST, 1082.10 FEET; THENCE NORTH 78°43'54" EAST, 499.44 FEET; THENCE NORTH 57°36'09" EAST, 573.90 FEET; THENCE NORTH 85°52'11" EAST, 344.55 FEET TO THE WESTERLY ROW LINE OF SAID IA 28; THENCE SOUTH 46°39'57" EAST ALONG SAID WESTERLY ROW LINE 861.58 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 78,493 SQUARE FEET IN THE SOUTHEAST 1/4 OF SAID

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SECTION 36 AND 882,672 SQUARE FEET IN THE SOUTHWEST 1/4 OF SAID SECTION 36 FOR A TOTAL OF 961,165 SQUARE FEET OR 22.07 ACRES. ALL PROPERTY ACQUIRED BY FAA GRANT FUNDING AND SUBJECT TO FEDERAL GRANT RESTRICTIONS IF SOLD AT ANY POINT IN THE FUTURE. HEIGHT AND HAZARD RESTRICTIONS APPLY RESTRICTING ANY OBSTRUCTIONS ABOVE THE APPROACH, TRANSITIONAL AND HORIZONTAL SURFACE ELEVATION CONTOURS AS SHOWN.

LEGAL DESCRIPTION: IA 5 FEE SIMPLE INTEREST

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°(DEGREES)49'(MINUTES) 15"(SECONDS) EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 906.43 FEET; THENCE SOUTH 1°31'14" EAST, 29.66 FEET; THENCE SOUTH 59°06'35" WEST, 600.71 FEET; THENCE NORTH 74°06'40" WEST, 468.57 FEET; THENCE NORTH 48°55'18" WEST, 326.17 FEET; THENCE SOUTH 89°40'39" EAST, 304.84 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 245,852 SQUARE FEET.

LEGAL DESCRIPTION: IA 28 FEE SIMPLE INTEREST

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°(DEGREES)49'(MINUTES) 15"(SECONDS) EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 906.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°49'15" EAST ALONG SAID NORTH LINE, 523.82 FEET; THENCE SOUTH 46°39'57" EAST, 426.36 FEET TO THE NORTHERLY RIGHT-OF-WAY(ROW) LINE OF ECHO VALLEY DRIVE; THENCE CONTINUING SOUTH 46°39'57" EAST, 114.90 FEET TO THE SOUTHERLY ROW LINE OF ECHO VALLEY DRIVE; THENCE CONTINUING SOUTH 46°39'57" EAST, 902.70 FEET TO THE WEST ROW LINE OF SW 42ND STREET; THENCE SOUTH 7°18'15" EAST, 47.42 FEET; THENCE SOUTH 0°10'20" EAST, 407.79 FEET; THENCE NORTH 18°32'35" WEST, 256.04 FEET; THENCE NORTH 48°14'36" WEST, 522.87 FEET; THENCE NORTH 54°31'18" WEST, 512.23 FEET; THENCE NORTH 44°48'24" WEST, 738.53 FEET; THENCE NORTH 88°10'01" WEST, 171.60 FEET; THENCE NORTH 1°31'14" WEST, 29.66 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 435,190 SQUARE FEET.

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LEGAL DESCRIPTION: PERMANENT BACKSLOPE EASEMENT

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 1430.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'15" EAST ALONG SAID NORTH LINE, 318.53 FEET; THENCE SOUTH 40°52'22" EAST, 207.21 FEET; THENCE SOUTHWEST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 10°47'06" , A CHORD DISTANCE OF 197.33 FEET, A CHORD BEARING OF SOUTH 46°52'03" WEST, FOR AN ARC DISTANCE OF 197.62 FEET; THENCE NORTH 46°39'57" WEST, 426.36 FEET TO THE POINT OF BEGINNING, AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 66,261 SQUARE FEET.

AND

COMMENCING AS A POINT OF REFERENCE AT NORTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 150.00 FEET; THENCE SOUTH 0°10'20" EAST, 834.81 FEET; THENCE SOUTH 7°18'15" EAST, 48.19 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 7°18'15" EAST, 105.96 FEET; THENCE NORTH 46°39'57" WEST, 902.70 FEET; THENCE NORTHEAST ALONG A 935.04 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 9°59'56", A CHORD DISTANCE OF 162.97 FEET, A CHORD BEARING OF NORTH 46°14'46" EAST, FOR AN ARC DISTANCE OF 163.18 FEET; THENCE SOUTH 32°16'30" EAST, 448.75 FEET; THENCE SOUTH 51°38'16" EAST, 162.68 FEET; THENCE SOUTH 47°09'47" EAST, 215.78 FEET TO THE POINT OF BEGINNING, AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 74,062 SQUARE FEET.

LEGAL DESCRIPTION: PERMANENT EASEMENT FOR STORM WATER DETENTION & SURFACE WATER FLOWAGE

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 906.43 FEET; THENCE SOUTH 1°31'14" EAST, 29.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88°10'01" EAST, 171.60 FEET; THENCE SOUTH 44°48'24" EAST, 41.85 FEET; THENCE SOUTH 7°02'24" WEST,



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126.57 FEET; THENCE SOUTH 1°15'26" WEST, 149.86 FEET; THENCE SOUTH 23°14'56" EAST, 113.44 FEET; THENCE SOUTH 38°26'40" EAST, 116.00 FEET; THENCE SOUTH 51°18'33" WEST, 124.15 FEET; THENCE NORTH 43°15'45" WEST, 116.37 FEET; THENCE NORTH 32°30'06" WEST, 86.76 FEET; THENCE NORTH 26°22'26" WEST, 88.40 FEET; THENCE NORTH 4°26'52" WEST, 180.12 FEET; THENCE NORTH 7°43'24" WEST, 168.14 FEET TO THE POINT OF BEGINNING, AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 89,839 SQUARE FEET.

LEGAL DESCRIPTION: PERMANENT EASEMENT FOR STORM SEWER & SURFACE WATER FLOWAGE

A PART OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 906.43 FEET; THENCE SOUTH 1°31'14" EAST, 29.66 FEET; THENCE SOUTH 7°43'24" EAST, 168.14 FEET; THENCE SOUTH 4°26'52" EAST, 180.12 FEET; THENCE SOUTH 26°22'26" EAST, 88.40 FEET; THENCE SOUTH 32°30'06" EAST, 86.76 FEET; THENCE SOUTH 43°15'45" EAST, 116.37 FEET; THENCE NORTH 51°18'33" EAST, 46.65 FEET TO THE POINT OF BEGINNING; THENCE NORTH 51°18'33" EAST, 30.00 FEET; THENCE SOUTH 38°41'27" EAST, 472.88 FEET; THENCE SOUTH 75°04'06" WEST, 32.78 FEET; THENCE NORTH 38°41'27" WEST, 459.68 FEET TO THE POINT OF BEGINNING, AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 13,988 SQUARE FEET.

LEGAL DESCRIPTION: PERMANENT EASEMENT FOR STORM SEWER & SURFACE WATER FLOWAGE

A PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 1; THENCE NORTH 0°(DEGREES)00'(MINUTES)55"(SECONDS) EAST, 1320.44 FEET; THENCE NORTH 89°51'54" WEST, 452.22 FEET; THENCE NORTH 44°35'23" WEST, 869.64 FEET; THENCE SOUTH 75°04'06" WEST, 83.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 38°41'35" EAST, 48.21 FEET; THENCE NORTH 51°17'05" EAST, 45.00 FEET; THENCE SOUTH 38°41'27" EAST, 277.50 FEET; THENCE NORTH 85°02'09" EAST, 152.04 FEET; THENCE NORTH 38°41'27" WEST, 172.50 FEET; THENCE NORTH 51°17'05" EAST, 35.00 FEET; THENCE NORTH 38°41'27" EAST, 61.43 FEET; THENCE NORTH 75°04'06" EAST, 32.78 FEET TO THE POINT OF BEGINNING,

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ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 26,395 SQUARE FEET.

3. The public would not be inconvenienced by reason of the conveyance by deed of the following described west segment of Echo Valley Drive right-of-way located within the City limits of Norwalk in accordance with Iowa Code Section 364.7(3), subject to reservation of a Noise and Avigation Easement:

ECHO VALLEY DRIVE RIGHT-OF-WAY (ROW) IN WARREN COUNTY, IOWA

A PART OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0°10'20" EAST, 52.16 FEET; THENCE SOUTHWEST ALONG A 935.04 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 44°33'32", A CHORD DISTANCE OF 708.99 FEET, A CHORD BEARING OF SOUTH 63°31'34" WEST, FOR AN ARC DISTANCE OF 727.18 FEET; THENCE NORTH 46°39'57" WEST, 114.90 FEET ALONG THE EASTERLY ROW LINE OF IA 28; THENCE NORTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28°22'30", A CHORD DISTANCE OF 514.64 FEET, A CHORD BEARING OF NORTH 55°39'45" EAST, FOR AN ARC DISTANCE OF 519.94 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST, 293.10 FEET TO THE POINT OF BEGINNING, AS SURVEYED BY ELMER L. MILLER JR. LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 77,487 SQUARE FEET.  
AND

ECHO VALLEY DRIVE RIGHT-OF-WAY (ROW) IN POLK COUNTY, IOWA

A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 89°(DEGREES)49'(MINUTES)15"(SECONDS) WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°49'15" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 293.10 FEET; THENCE NORTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 16°24'36", A CHORD DISTANCE OF 299.66 FEET, A CHORD BEARING OF NORTH 78°03'20" EAST, FOR AN ARC DISTANCE OF 300.69 FEET; THENCE SOUTH 0°03'55" WEST, 62.94 FEET TO THE POINT OF BEGINNING, AS SURVEYED AND MONUMENTED IN THE FIELD BY ELMER L. MILLER

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JR.LICENSED SURVEYOR NO. 13975; ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 11,372 SQUARE FEET.

4. That the conveyance and assignment by the City of Des Moines of the above described right-of-way and easements to the State of Iowa, for the benefit and use of the Department of Transportation, and to the City of Norwalk, Iowa, in accordance with Iowa Code Section 364.7(3) and in accordance with the above-referenced Project Agreements, subject to reservation of a Noise and Avigation Easement, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Deed(s) and Easement(s) 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 original of these Deed(s) and Easement(s), 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 Deed(s) and Easement(s), 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 Deed(s) and Easement(s) and copies of the other documents to the grantees.

8. There will be no proceeds associated with the conveyance of these property interests.

APPROVED AS TO FORM:  
Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

Moved by Hansley to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIES				APPROVED
<u>T. M. Franklin</u>				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