

★ Roll Call Number

12-0559

Agenda Item Number

44

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Date April 9, 2012

**HOLD HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY NORTH OF
3000 VANDALIA ROAD TO THE DES MOINES METROPOLITAN
WASTEWATER RECLAMATION AUTHORITY (WRA)**

WHEREAS, on November 18, 1985, by Roll Call No. 6033, the City Council approved fair market value and authorized acquisition of property at SE 30th Street and Vandalia Road, north of 3000 Vandalia Road for the Des Moines ICA Regional Wastewater Treatment Plant Project, which property is legally described below; and

WHEREAS, said property has been used since its acquisition for operation of a power substation to provide electrical services to the Wastewater Reclamation Facility as managed by the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”), and is currently required by the WRA for purposes of a lease agreement for biogas facilities; and

WHEREAS, on September 20, 2011, the WRA Board passed Resolution No. 11-130, requesting certain WRA Participating Communities including the City of Des Moines to transfer to the WRA by quit claim deed and/or by permanent easement, as appropriate, their respective interests in certain sanitary sewer facilities described in Exhibit 1 to the WRA Agreement, pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA Agreement”), approved and authorized for execution by this City Council on April 19, 2004, pursuant to Roll Call No. 04-844; and

WHEREAS, on October 24, 2011, by Roll Call No. 11-1823, after resolution and public notice, the City Council held a hearing and approved vacation and conveyance of property interests in certain sanitary sewer facilities to the WRA; and

WHEREAS, the above-referenced City-owned property north of 3000 Vandalia Road should have been transferred by the City to the WRA at the time of the October 2011 hearing, but was inadvertently not included in said conveyance; and

WHEREAS, there is no known current or future public need for the City-owned property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said property; and

WHEREAS, on March 26, 2012, by Roll Call No. 12-0454, it was duly resolved by the City Council that the proposed conveyance of real property north of 3000 Vandalia Road be set down for hearing on April 9, 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

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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 the City-owned property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the following described real property located at SE 30th Street and Vandalia Road, north of 3000 Vandalia Road, more specifically described as follows:

ALL THAT PORTION OF LOT 5 OF THE OFFICIAL PLAT OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL ¼) OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M. THAT LIES SOUTH OF THE SOUTH LINE OF RELOCATED VANDALIA ROAD RIGHT-OF-WAY AND NORTH OF THE NORTH LINE OF THE ABANDONED VANDALIA ROAD RIGHT-OF-WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; SUBJECT TO EASEMENT DEED TO THE UNITED STATES OF AMERICA RECORDED IN BOOK 3682, PAGE 345; SUBJECT TO OTHER EASEMENTS OF RECORD; AND EXCEPT ROADS AND RAILROADS.

3. That the conveyance by the City of Des Moines of said real property to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), in accordance with Iowa Code Section 364.7(3) and in accordance with the WRA Agreement, by quit claim deed for use in association with the Wastewater Reclamation Facility, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance 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 this Deed, 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 original of the Deed, 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 original of the Deed and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this property.

Moved by Meyer 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			
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