

★ Roll Call Number

12-0741

Agenda Item Number

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Date May 7, 2012

**HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND GAS LINE EASEMENT ON
CITY-OWNED PROPERTY AT THE BLANK PARK ZOO TO
MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, MidAmerican Energy Company ("MidAmerican") gas lines are required for electric service for the Giraffe Building at the Blank Park Zoo, and thus MidAmerican has requested an easement across City-owned property for the project; and

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

WHEREAS, on April 23, 2012, by Roll Call No. 12-0605, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on May 7, 2012, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey the 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of the easement, as described below, is hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of a 10-foot underground gas line easement to MidAmerican Energy Company across City-owned property locally known as 7401 SW 9th Street to provide gas service for the Giraffe Building at the Blank Park Zoo, more specifically described below, for \$1:

A 10-FOOT WIDE UNDERGROUND GAS LINE EASEMENT ACROSS A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH 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 135 FEET SOUTH OF THE NORTH LINE OF SAID SE 1/4 AND 850 FEET EAST OF THE WEST LINE OF SAID SE 1/4; THENCE NORTHEASTERLY TO A POINT WHICH IS 15 FEET SOUTH OF THE NORTH LINE OF SAID SE 1/4 AND 1020 FEET EAST OF THE WEST LINE OF SAID SE 1/4 TO A TERMINUS OF SAID STRIP.

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3. That the conveyance of the above-described easement to MidAmerican Energy Company for \$1 to provide gas service to a City facility, 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 originals 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 Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RSW

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

MOTION CARRIED 7 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