

★ Roll Call Number

12-0825

Agenda Item Number

53

Date May 21, 2012

**HEARING FOR CONVEYANCE OF AN OVERHEAD ELECTRIC TRANSMISSION LINE  
EASEMENT TO MIDAMERICAN ENERGY COMPANY ON CITY-OWNED PROPERTY LOCATED  
EAST OF SW 59<sup>TH</sup> STREET BETWEEN NORTH VALLEY DRIVE AND WINONA AVENUE FOR  
THE WRA SW AREA DIVERSION FACILITY – PHASE 22, SEGMENT 5 PUMP  
STATION PROJECT FOR \$1**

**WHEREAS**, a MidAmerican Energy Company (“MidAmerican”) overhead electric transmission line is needed to service improvements for the Des Moines Metropolitan Wastewater Reclamation Authority’s (WRA) Southwest Area Diversion Facility – Phase 22, Segment 5 Pump Station Project, and thus MidAmerican has requested an easement across City-owned property located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue for the project, and the WRA Consultant and Project Engineer have also requested that the City grant the easement to MidAmerican for the project; and

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

**WHEREAS**, on May 7, 2012, by Roll Call No. 12-0689, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on May 21, 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 located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue, 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 overhead electric transmission line easement on City-owned property located east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue, more specifically described as follows:

A perpetual electric line easement located in part of the West ½ of the Southeast ¼ of the Southeast ¼ of Section 11, Township 78 North, Range 25 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said perpetual easement being more particularly described as follows:

Commencing as a point of reference at the Northeast corner of said Southeast 1/4 of the Southeast 1/4 of Section 11; thence North 89°(degrees) 30'(minutes) 47"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network, South Zone), 657.81 feet along the North line of said Southeast 1/4 of the Southeast 1/4; thence South 00°29'13" West, 515.54 feet to a point on the East line of said West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 11, said point being the point of beginning; thence South 00°01'00" East, 105.57 feet along said East

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line; thence North 07°28'46" West, 104.67 feet; thence North 82°31'14" East, 13.71 feet to the point of beginning. Containing 718 square feet or 0.02 acres, more or less.

3. That the conveyance of the above-described permanent overhead electric transmission line easement to MidAmerican Energy Company, for \$1 and in consideration of the utility service being provided for the WRA Southwest Area Diversion Facility – Phase 22, Segment 5 Pump Station, 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

*RSW*

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

T. McFranklin 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