

★ Roll Call Number

Agenda Item Number

12-0826

54

Date May 21, 2012

**HEARING FOR CONVEYANCE OF MULTIPLE EASEMENTS ON CITY-OWNED PROPERTY
AT BLANK PARK ZOO TO MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, two MidAmerican Energy Company (MidAmerican”) gas lines and one electric line are needed to service improvements at the Blank Park Zoo, and thus MidAmerican has requested easements across City-owned property northwest of the intersection of Buttner and Winn Streets between Winn Street and Thayer Street and also south of and parallel to Winn Street commencing at the intersection of Buttner and Winn Streets, and west of the intersection of Thayer and Buttner Streets between Buttner Street and SW 9th Street, for the projects; and

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

WHEREAS, on May 7, 2012, by Roll Call No. 12-0690, it was duly resolved by the City Council that the proposed conveyance of the easements 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 easements 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 conveyances, 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 permanent easements on City-owned property for facilities at the Blank Park Zoo, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of two 10-foot underground gas easements across City-owned property northwest of the intersection of Buttner and Winn Streets between Winn Street and Thayer Street and also south of and parallel to Winn Street commencing at the intersection of Buttner and Winn Streets, and one underground electric line easement across City-owned property west of the intersection of Thayer and Buttner Streets between Buttner Street and SW 9th Street, more specifically described as follows:

GAS LINE EASEMENTS

TWO 10-FOOT WIDE UNDERGROUND GAS LINE EASEMENTS ACROSS A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) 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

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DES MOINES, POLK COUNTY, IOWA, EASEMENT LOCATIONS TO BE 5 FEET ON EITHER SIDE OF THE CENTERLINE OF THE GAS LINES AS CONSTRUCTED.

AND

ELECTRIC LINE EASEMENT

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) 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, EASEMENT LOCATION TO BE 5 FEET ON EITHER SIDE OF THE CENTERLINE OF THE ELECTRIC LINE AS CONSTRUCTED.

3. That the conveyance of the above-described permanent underground gas and electric line easements to MidAmerican Energy Company, for \$1 and in consideration of the gas and electrical service being provided to the City's Blank Park Zoo facilities, be and is hereby approved.
4. The Mayor is authorized and directed to sign the easements for the conveyances 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 originals of the easements, 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 originals of the easements, 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 easements and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of these easements.

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Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

PSN

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL. Includes signature of 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