

★ Roll Call Number
12-1249

Agenda Item Number
22

Date August 13, 2012

SET HEARING FOR CONVEYANCE OF AN OVERHEAD ELECTRIC TRANSMISSION LINE EASEMENT TO MIDAMERICAN ENERGY COMPANY ON CITY-OWNED PROPERTY LOCATED EAST OF SW 59TH STREET BETWEEN NORTH VALLEY DRIVE AND WINONA AVENUE FOR THE WRA SW 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 59th 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 service to the WRA facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa proposes to grant an overhead electric transmission line easement to MidAmerican Energy Company across City-owned property located east of SW 59th Street between North Valley Drive and Winona Avenue to provide electric service for the WRA SW Area Diversion Facility – Phase 22, Segment 5 Pump Station, easement area being more specifically described below, for \$1 and in consideration of the utility services being provided:

A perpetual overhead electric line easement located in part of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 78 North, Range 25 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip 10.00 feet in width lying 5.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northwest corner of said Southeast 1/4 of the Southeast 1/4; thence South 89°(degrees) 30'(minutes) 47"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 5.00 feet along the North line of said Southeast 1/4 of the Southeast 1/4 to the point of beginning; thence South 00°03'24" East, 521.63 feet; thence North 90°00'00" East, 656.95 feet to the East line of said West 1/2 of the Southeast 1/4 of the Southeast 1/4, excluding existing perpetual easement recorded in Book 14294 on Page 433 in the Polk County Recorder’s Office. Containing 11,724 square feet or 0.27 acres, more or less.

2. A public hearing will be held on August 27, 2012, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.

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3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
4. 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

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

T. M. Franken 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