



**Roll Call Number**

12-1298

**Agenda Item Number**

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**Date** August 13, 2012

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

**WHEREAS**, MidAmerican Energy Company (“MidAmerican”) has requested a permanent underground electric line easement upon City-owned real property locally known as 7401 SW 9<sup>th</sup> Street, and legally described below, to service improvements to the Rhino building at the Blank Park Zoo; and

**WHEREAS**, the City of Des Moines needs to grant the requested easement in order to provide said service to the City facilities; and

**WHEREAS**, on July 23, 2012 by Roll Call No. 12-1164, it was duly resolved by the City Council that the proposed conveyance of a permanent underground electric line easement at the Blank Park Zoo be set down for hearing on August 13, 2012, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey said easement was given as provided by law, setting forth the time and place for hearing on said 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 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 easement 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 underground electric line easement across City-owned property locally known as 7401 SW 9<sup>th</sup> Street (Blank Park Zoo), more specifically described as follows:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE PARCEL E OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> 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 ELECTRIC LINE AS CONSTRUCTED.

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3. That the conveyance of the above-described easement to MidAmerican Energy Company for \$1.00 and in consideration of the 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 easement document 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 said 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 said 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 grantees.
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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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