

★ Roll Call Number

12-1414

Agenda Item Number

17

Date September 10, 2012

**SET HEARING FOR CONVEYANCE OF AN OVERHANG ELECTRIC LINE
EASEMENT TO MIDAMERICAN ENERGY COMPANY UPON CITY-OWNED
PROPERTY LOCATED ALONG THE EASTERN EDGE OF THE
GUTHRIE AVENUE DETENTION BASIN FOR \$100**

WHEREAS, MidAmerican Energy Company ("MidAmerican") currently has electric line facilities within real property owned by Union Pacific Railroad that adjoins City-owned property located along the eastern edge of the Guthrie Avenue Detention Basin, locally known as Polk County District/Parcel No. 110/06643-005-000 and hereinafter more fully described; and

WHEREAS, Union Pacific Railroad has requested that MidAmerican relocate certain electric transmission poles upon the Union Pacific property as part of a private project, which relocation will result in overhanging transmission lines within the adjoining City-owned property; and

WHEREAS, MidAmerican has offered to the City of Des Moines the purchase price of \$100.00 for the purchase of a permanent easement for overhanging electric lines within the City-owned property (Polk County District/Parcel No. 110/06643-005-000) to accommodate the Union Pacific Railroad project, which purchase price reflects the fair market value of the easement as determined by the City's Real Estate Division; and

WHEREAS, the City and the public will not be inconvenienced by the sale and conveyance of the permanent easement as requested by MidAmerican.

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 a permanent overhang electric line easement to MidAmerican Energy Company over City-owned property located along the eastern edge of the Guthrie Avenue Detention Basin, and locally known as Polk County District/Parcel No. 110/006643-005-000, more specifically described as follows, for the consideration of \$100.00:

A tract of land in the SE 1/4, SE 1/4 of Section 25, T-79N, R-24W of the 5th P.M., City of Des Moines, Polk County, Iowa being more particularly described as follows:

Commencing as a point of reference at the intersection of the North right-of-way line of Guthrie Avenue and the West right-of-way line of the Union Pacific Railroad in said SE 1/4, SE 1/4; thence N00°26'08"W, 312.91 feet along said west railroad right-of-way line to a point of curvature; thence northerly along a curve to the right having a radius of 623.11, a chord bearing of N06°53'41"E, an arc length of 159.70 feet along said railroad right-of-way line to a point of tangency; thence N14°09'25"E, 67.13 feet along said railroad right-of-way line to the point of beginning; thence S89°51'46"W, 11.58 feet to a point; thence N12°39'27"E, 610.28 feet to a point on said west railroad right-of-way line; thence S00°34'08"E, 31.54 feet along said railroad right-of-way line to a point; thence

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S06°25'43"W, 103.11 feet along said railroad right-of-way line to a point; thence S11°38'46"W, 102.90 feet along said railroad right-of-way line to a point; thence S14°02'00"W, 371.75 feet along said railroad right-of-way line to the point of beginning. Said easement contains 0.213 acres, more or less.

- 2. A public hearing will be held on September 24, 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.
- 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. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

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			

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

T. M. Franklin Mayor