

★ Roll Call Number

12-1584

Agenda Item Number

44

Date October 8, 2012

**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, on September 10, 2012, by Roll Call No. 12-1414, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on September 24, 2012, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, on September 24, 2012, by Roll Call No. 12-1516, it was duly resolved by the City Council that the proposed conveyance of the easement hearing be continued to October 8, 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 along the eastern edge of the Guthrie Avenue Detention Basin, locally known as Polk County District/Parcel No. 110/06643-005-000, as described below, are hereby overruled and the hearing is closed.

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2. The public would not be inconvenienced by reason of the conveyance of a permanent overhang electric line easement on 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, more specifically described as follows:

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 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.

3. That the conveyance of the above-described permanent overhang electric line easement to MidAmerican Energy Company for \$100 be and is hereby approved.

4. Subject to final approval as to easement form by the Legal Department, 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. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

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(Council Communication No. 12-526)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and 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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk