

★ Roll Call Number
13-0073

Agenda Item Number
52

Date January 14, 2013

**HOLD HEARING FOR CONVEYANCE OF A PERMANENT UNDERGROUND
ELECTRIC EASEMENT ON CITY-OWNED PROPERTY AT 1 LINE DRIVE
TO MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, an underground electric transmission line is required for electric service for Principal Park facilities at the real property locally known as 1 Line Drive, and thus MidAmerican Energy Company has requested an electric line easement across said City-owned property for this project; and

WHEREAS, the City of Des Moines needs to grant the easement to provide electrical service to this City facility; and

WHEREAS, on December 17, 2012, by Roll Call No. 12-1933, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on January 14, 2013, 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 locally known as 1 Line Drive, 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 10-foot underground electric line easement, more specifically described below, to MidAmerican Energy Company across City-owned property locally known as 1 Line Drive:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 9, 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, GENERALLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, EASEMENT LOCATION TO BE 5 FEET ON EITHER SIDE OF ELECTRIC LINE AS CONSTRUCTED.

3. That the conveyance of the above-described permanent underground electric line easement to MidAmerican Energy Company for \$1 and in consideration of the utility service being provided for the City's Principal Park facilities, be and is hereby approved.

4. 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.

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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. There will be no proceeds associated with the conveyance of this easement.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

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

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 Council Mayor