



Roll Call Number

13-0306

Agenda Item Number

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Date February 25, 2013

SET HEARING FOR CONVEYANCE OF CITY-OWNED REAL ESTATE LOCATED IN THE VICINITY OF U.S. HIGHWAY 65 AND THE SKUNK RIVER TO POLK COUNTY CONSERVATION BOARD PURSUANT TO 28E AGREEMENT

WHEREAS, on May 5, 2008, by Roll Call No. 08-835, the City Council approved a Chapter 28E Intergovernmental Agreement by and between the City of Des Moines and the Polk County Conservation Board for the joint exercise of powers to acquire, develop, and maintain a wetlands area, as part of a wetlands mitigation project resulting from the City's Euclid Avenue Detention Basin construction project and U.S. Army Corps of Engineers Section 404 permits related thereto; and

WHEREAS, pursuant to this 28E Agreement, the Polk County Conservation Board has been maintaining as wetlands 84.9 acres of land acquired and developed by the City in the vicinity of U.S. Highway 65 and the Skunk River within the Chichaqua Wildlife Area, and in exchange and as consideration for this maintenance work, the City is now required to grant said property to the Polk County Conservation Board for perpetual use as wetlands in compliance with the requirements of the Section 404 permit and other applicable State and Federal laws and regulations; and

WHEREAS, the conveyance of the City-owned property to Polk County Conservation Board will be subject to certain conditions including a permanent easement for use, management, operation and maintenance of the property as wetlands by the Board, reversion of the property to the City in the event that the Board fails to fulfill these obligations, a temporary easement upon the property for ingress and egress by the U.S. Army Corps of Engineers for access to its wetlands mitigation area, and the Board's indemnification of the City for future use and occupancy of the property; and

WHEREAS, there is no known current or future public need for the real property proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said property.

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 convey the following described wetlands mitigation site located in the vicinity of U.S. Highway 65 and the Skunk River within the Chichaqua Wildlife Area to Polk County Conservation Board, pursuant to the above-referenced Chapter 28E Intergovernmental Agreement and in accordance with Iowa Code Section 364.7(3)(2013), and subject to the conditions set forth above:

PART OF SECTION 11, TOWNSHIP 80 NORTH, RANGE 22 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 11, BEING A FOUND CONCRETE MONUMENT; THENCE NORTH 0°(DEGREES) 58' (MINUTES) 55" (SECONDS) EAST ALONG THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 11, A DISTANCE OF 1,175.71 FEET; THENCE SOUTH 88°49'21" EAST, 2,318.46 FEET; THENCE SOUTH 0°27'04" WEST, 749.19 FEET TO A FOUND REROD WITH CAP NO. 11804 AND THE WESTERLY RIGHT OF WAY LINE OF U.S.

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HIGHWAY 65; THENCE SOUTH 43°18'19" WEST ALONG SAID RIGHT OF WAY LINE 2,180.03 FEET TO THE CENTERLINE OF THE EXISTING DRAINAGE CHANNEL; THENCE NORTH 25°16'29" WEST, 776.40 FEET ALONG SAID CENTER LINE; THENCE NORTH 42°37'02" WEST 687.10 FEET ALONG SAID CENTER LINE; THENCE NORTH 89°59'36" WEST, 40.25 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA AND CONTAINING 84.9 ACRES AS SURVEYED.

2. A public hearing shall be held on March 11, 2013, 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 proposal 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 said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There shall be no monetary proceeds associated with the conveyance of this property.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED

T. M. Franklin 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