

★ Roll Call Number

13-0829

Agenda Item Number

53

Date May 20, 2013

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

WHEREAS, an underground electric transmission line is required for electric service for the City's Birdland Park facilities, and thus MidAmerican Energy Company has requested an electric line easement across said City-owned property; and

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

WHEREAS, on May 6, 2013, by Roll Call No. 13-0715, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on May 20, 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 the 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, any and all objections to the proposed conveyance of the permanent easement 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 to MidAmerican Energy Company across a portion of Birdland Park, more specifically described as follows, to provide electrical service for the City's Birdland Park facilities, for \$1 and in consideration of the utility service being provided for the City facilities, and the conveyance of said easement is hereby approved:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF OLD ORCHARD BEACH, AN OFFICIAL PLAT, ALSO KNOWN AS BIRDLAND PARK, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EASEMENT LOCATION TO BE 5 FEET ON EACH SIDE OF ELECTRIC LINE AS CONSTRUCTED.

3. 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.

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4. 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.
5. 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.
6. 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.
7. There will be no proceeds associated with the conveyance of this easement.

Moved by Mahaffey 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 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