

★ Roll Call Number

13-1286

Agenda Item Number

34 A

Date August 12, 2013

**HEARING FOR CONVEYANCE OF A GAS AND REGULATOR STATION EASEMENT  
LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF SE 20TH STREET  
AND EAST PARK AVENUE TO MIDAMERICAN ENERGY COMPANY FOR \$100**

**WHEREAS**, MidAmerican Energy Company ("MidAmerican") has requested an easement on City-owned property located at the northwest corner of the intersection of SE 20<sup>th</sup> Street and East Park Avenue as a part of a private MidAmerican project to relocate and replace existing underground gas and regulator vaults within street right-of-way to above-ground locations outside of street right-of-way; 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 gas and regulator station easement within said City-owned property to accommodate the MidAmerican relocation 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; and

**WHEREAS**, on July 29, 2013, by Roll Call No. 13-1197, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on August 12, 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 gas and regulator station easement to MidAmerican Energy Company across City-owned property located at the northwest corner of SE 20<sup>th</sup> Street and East Park Avenue, more specifically described below, for \$100, and the conveyance of said easement is hereby approved, subject to final negotiation of easement terms and approval as to form by the City's Legal Department:

THE NORTH 10 FEET OF THE SOUTH 30 FEET OF THE WEST 10 FEET OF THE EAST 25 FEET OF OUTLOT W, PARK FOREST No.1, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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- 3. Upon approval as to form of easement by the City's Legal Department, the Mayor is authorized and directed to sign the easement for the conveyance identified above, and the Deputy City Clerk is authorized and directed to attest to the Mayor's signature.
- 4. The Deputy 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. The proceeds from the sale of this property shall be deposited into the following account: Fund: SP767, Org: ENG980500.

APPROVED AS TO FORM:

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

Moved by Meyer to adopt.

| 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