

★ Roll Call Number

13-1287

Agenda Item Number

34 B

Date August 12, 2013

**HEARING FOR CONVEYANCE OF A GAS AND REGULATOR STATION EASEMENT LOCATED
IN THE NORTHWEST CORNER OF McHENRY PARK
TO MIDAMERICAN ENERGY COMPANY FOR \$200**

WHEREAS, MidAmerican Energy Company ("MidAmerican") has requested an easement on City-owned property 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 \$200.00 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. 13-1198, 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 McHenry Park, more specifically described as follows, for \$200, 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:

A 12.00 FOOT WIDE GAS & REGULATOR STATION EASEMENT IN LOT 10, BLOCK 1, OAKLAND HEIGHTS, AN OFFICIAL PLAT RECORDED IN BOOK 'F', PAGE 90 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID LOT 10, SAID NW CORNER ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF OAK PARK AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE N89°(DEGREES)54'(MINUTES)56"(SECONDS)E, 12.09 FEET ALONG THE NORTH LINE OF SAID LOT 10, AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT THAT IS 12.00 FEET EAST OF THE WEST LINE OF SAID LOT 10; THENCE S07°08'18"E, 24.96 FEET PARALLEL TO AND 12.00 FEET EAST OF THE WEST LINE OF SAID LOT 10 TO A POINT; THENCE S82°51'42"W, 12.00 FEET TO A POINT ON

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THE WEST LINE OF SAID LOT 10, SAID WEST LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF RAVINA DRIVE AS IT IS PRESENTLY ESTABLISHED; THENCE N07°08'18"W, 26.44 FEET ALONG SAID WEST LINE OF LOT 10 AND SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 308 SQUARE FEET.

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			

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