

★ Roll Call Number
14-0048

Agenda Item Number
25

Date January 13, 2014

SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR RECREATIONAL TRAIL AND A PERMANENT ACCESS EASEMENT TO THE POLK COUNTY CONSERVATION BOARD FOR \$1

WHEREAS, the City of Des Moines is the owner of real property located north of Army Post Road and east of Iowa Highway 28 ("City-owned Property") that contains the Great Western Trail owned by the Polk County Conservation Board; and

WHEREAS, the City of Des Moines plans to reconstruct the Army Post Bridge where the Great Western Trail crosses under Army Post Road; and

WHEREAS, the City needs to grant a Permanent Easement for Recreational Trail and a Permanent Access Easement to the Polk County Conservation Board over the City-owned Property in accordance with Iowa Code Section 364.7(3) for the public purpose of access to and use of the Great Western Trail; and

WHEREAS, there is no known current or future public need for the easement area to be conveyed and the City will not be inconvenienced by the conveyance of these easements.

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 grant a Permanent Easement for Recreational Trail and a Permanent Access Easement, as legally described below, to the Polk County Conservation Board over City-owned property located north of Army Post Road and east of Iowa Highway 28, in accordance with Iowa Code Section 364.7(3) for the public purpose of access to and use of the Great Western Trail:

PERMANENT EASEMENT FOR RECREATIONAL TRAIL:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00°(DEGREES) 06'(MINUTES) 01"(SECONDS) EAST, 28.57 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 55° 10' 23" WEST, 112.50 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 46.22 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 12° 02' 18", A RADIUS OF 220.00 FEET AND A CHORD THAT BEARS SOUTH 61° 11' 15" WEST, 46.14 FEET; THENCE SOUTH 67° 21' 10" WEST, 73.99 FEET; THENCE NORTH 89° 49' 38" WEST, 103.14 FEET; THENCE NORTH 67° 21' 10" EAST, 95.82 FEET; THENCE NORTH 22° 38' 50" WEST, 27.34 FEET TO THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO,

★ Roll Call Number
14-0048

Agenda Item Number
25

Date January 13, 2014

ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE NORTH 67° 31' 00" EAST, 38.90 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 73° 20' 31" EAST, 42.99 FEET; THENCE EASTERLY A DISTANCE OF 38.79 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE NORTHERLY WITH A CENTRAL ANGLE OF 12° 20' 46", A RADIUS OF 180.00 FEET AND A CHORD THAT BEARS NORTH 61° 20' 28" EAST, 38.71 FEET; THENCE NORTH 55° 10' 23" EAST, 105.25 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89° 45' 14" EAST, 28.75 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING, CONTAINING 12,820 SQUARE FEET OR 0.29 ACRES MORE OR LESS.

AND

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00°(DEGREES) 18'(MINUTES) 09"(SECONDS) WEST, 12.51 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING, THENCE NORTH 00° 18' 09" WEST, 7.55 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 55° 10' 28" EAST, 121.90 FEET; THENCE NORTH 55° 10' 24" EAST, 52.51 FEET; THENCE NORTHEASTERLY A DISTANCE OF 134.39 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEASTERLY WITH A CENTRAL ANGLE OF 34° 59' 55", A RADIUS OF 220.00 FEET AND A CHORD THAT BEARS NORTH 72° 40' 21" EAST, 132.31 FEET; THENCE SOUTH 89° 49' 41" EAST, 84.06 FEET TO THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 67° 31' 00" WEST, 382.58 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY TO THE POINT OF BEGINNING, CONTAINING 11,590 SQUARE FEET OR 0.27 ACRES MORE OR LESS.

PERMANENT ACCESS EASEMENT:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 89°(DEGREES) 45'(MINUTES) 14"(SECONDS) WEST, 407.77 FEET; THENCE SOUTH 00° 14' 46" WEST, 8.91 FEET TO THE POINT OF BEGINNING, THENCE

★ Roll Call Number
14-0048

Agenda Item Number
25

Date January 13, 2014

SOUTH 00° 00' 00" WEST, 26.75 FEET; THENCE SOUTH 81° 32' 50" EAST, 219.89 FEET TO THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 67° 31' 00" WEST, 38.90 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE NORTH 81° 32' 50" WEST, 264.43 FEET; THENCE NORTH 00° 00' 00" EAST, 35.32 FEET; THENCE SOUTH 89° 49' 41" EAST, 80.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 7,330 SQUARE FEET OR 0.17 ACRES MORE OR LESS.

2. A public hearing shall be held on January 27, 2014, 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 proposals 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 proposals and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the conveyance of these easements.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

RTN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			
MOION 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