



Roll Call Number

14-0174

Agenda Item Number

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Date January 27, 2014

HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR RECREATIONAL TRAIL AND A PERMANENT ACCESS EASEMENT TO POLK COUNTY, IOWA, ACTING THROUGH 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 and controlled 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 Polk County, Iowa, acting through 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; and

WHEREAS, on January 13, 2014, by Roll Call No. 14-0048, it was duly resolved by the City Council that the proposed conveyance of the easements be set down for hearing on January 27, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the easements was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto 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 conveyance of the easements, as described below, are hereby overruled and the hearing is closed.
2. There is no current or known public need or benefit for the property described below, and the public would not be inconvenienced by reason of the conveyance of a Permanent Easement for Recreational Trail and a Permanent Access Easement, as legally described below, to Polk County, Iowa, acting through the Polk County Conservation Board, over City-owned property located north of Army Post Road and east of

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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, and said conveyance is hereby approved:

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, 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



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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 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.

3. The Mayor is authorized and directed to sign the Easements for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the originals of the Easements, 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 said documents to be recorded.

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5. The Real Estate Division Manager is authorized and directed to forward the originals of the Easements, 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 originals of the Easements and copies of the other documents to the grantees.
7. 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

PSW

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

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk