

★ Roll Call Number

14-0175

Agenda Item Number

46

Date January 27, 2014

HOLD HEARING FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT ON CITY-OWNED PROPERTY EAST OF SE 12TH STREET AND NORTH OF EAST MARTIN LUTHER KING, JR. PARKWAY TO MIDAMERICAN ENERGY COMPANY FOR \$1

WHEREAS, an underground electric transmission line is needed for electric service for the relocation of a railroad crossing signal in the vicinity of SE 12th Street and East Martin Luther King, Jr. Parkway as required for the Southeast Connector Project, and thus MidAmerican Energy Company has requested an electric line easement across City-owned property to provide the relocated service; and

WHEREAS, the City of Des Moines needs to grant the requested easement to provide electrical service for the relocated railroad crossing signal as required by the City's Southeast Connector Project; and

WHEREAS, on January 13, 2014, by Roll Call No. 14-0047, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on January 27, 2014, 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, legally described as follows, to MidAmerican Energy Company across a portion of the City-owned property east of SE 12th Street and north of East Martin Luther King, Jr. Parkway to provide electrical service for the relocation of a railroad crossing signal for the City's Southeast Connector Project, for \$1 and in consideration of the utility service being provided due to the City's Project, and the conveyance of said easement is hereby approved:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF BLOCK 22 IN ALLEN'S 2ND ADDITION TO DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EASEMENT LOCATION TO BE 5 FEET ON EITHER SIDE OF ELECTRIC LINE AS CONSTRUCTED.



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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.
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

PJW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MOORE | ✓ | | | |
| VOSS | ✓ | | | |
| 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