

★ Roll Call Number

14-0540

Agenda Item Number

22

Date April 7, 2014

**SET HEARING FOR CONVEYANCE OF PERMANENT EASEMENTS TO THE
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY
AND DES MOINES WATER WORKS FOR THE WRA NEW MAIN OUTFALL,
PHASE 17, SEGMENTS 5 AND 6 PROJECT**

WHEREAS, on November 15, 2011, by WRA Board Resolution No. 11-168, the Des Moines Metropolitan Wastewater Reclamation (WRA) Board authorized acquisition of property interests for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project by gift, negotiation or eminent domain; and

WHEREAS, it has been determined that a Permanent Easement for Water Main Right-of-Way is required by the Des Moines Water Works and a Permanent Easement for Sanitary Sewer Right-of-Way is required by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned property from Southeast 2nd Street and Shaw Street to Southeast 6th Street, north of Vale Street, for the above-described project; and

WHEREAS, conveyance of these easements will have no significant impact upon the public use of the City-owned property, and the City will not be inconvenienced by the conveyance of said easements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa proposes to convey a Permanent Easement for Water Main Right-of-way to the Des Moines Water Works across City-owned property from Southeast 2nd Street and Shaw Street to Southeast 6th Street, north of Vale Street, as legally described below, for public use in accordance with Iowa Code Section 364.7(3), for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:

A perpetual water main easement located in Lots 5 through 9 and in the alley, Block 66, and in the South 26 feet of Lot 5, Block 58 and in the SE 5th Street right-of-way between Block 57 and Block 58, and in the Maury Street right-of-way between Block 58 and Block 66, all in the Town of De Moine, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip easement 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northeast corner of said Lot 6; thence South 14° (degrees) 49' (minutes) 03" (seconds) East (all bearings assumed for purpose of this description only), 169.60 feet along the East line of said Lots 6 through 9 to the point of beginning; thence North 65°57'24" West, 511.12 feet to the West right-of-way line of SE 5th Street.

Containing 10,222 square feet or 0.23 acres, more or less.

And

★ **Roll Call Number**

14-0540

Agenda Item Number

22

Date April 7, 2014

A perpetual water main easement located in Lots 1 and 2 and 7 through 9 and in the alley, Block 57, and in the vacated SE 4th Street right-of-way between Block 56 and Block 80, and in the SE 4th Street right-of-way West and adjacent to Block 57, and in the Shaw Street right-of-way between Block 56 and Block 57 and through SE 4th Street, all in the Town of De Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip easement 20.00 feet in width lying 10.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Southeast corner of Lot 6 in said Block 57; thence North 14° (degrees) 49' (minutes) 03" (seconds) West (all bearings assumed for purpose of this description only), 72.42 feet along the East line of said Lots 6 and 7 to the point of beginning; thence North 65°57'24" West, 273.73 feet; thence North 88°27'25" West, 96.69 feet; thence North 65°57'24" West, 139.55 to the South line of Lot 14, Block 80 in said Town of De Moines.

Containing 10,207 square feet or 0.23 acres, more or less.

2. That the City Council of the City of Des Moines, Iowa proposes to convey a Permanent Easement for Sanitary Sewer Right-of-Way to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned property from Southeast 2nd Street and Shaw Street to Southeast 6th Street, north of Vale Street, as legally described below, for public use in accordance with Iowa Code Section 364.7(3), for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:

A perpetual sanitary sewer easement located in Lots 5 through 9 and in the alley, Block 66, and in the South 26 feet of Lot 5, Block 58 and in the SE 5th Street right-of-way between Block 57 and Block 58, and in the Maury Street right-of-way between Block 58 and Block 66, all in the Town of De Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip easement 50.00 feet in width lying 25.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northeast corner of said Lot 6; thence South 14° (degrees) 49' (minutes) 03" (seconds) East (all bearings assumed for purpose of this description only), 193.35 feet along the East line of said Lots 6 through 9 to the point of beginning; thence North 65°57'24" West, 511.12 feet to the West right-of-way line of SE 5th Street.

Containing 25,556 square feet or 0.59 acres, more or less.

And

A perpetual sanitary sewer easement located in Lots 1 through 3 and 6 through 9 and in the alley, Block 57, and in the vacated SE 4th Street right-of-way between Block 56 and Block 80, and in the SE 4th Street right-of-way West and adjacent to Block 57, and in the Shaw Street right-of-way between

★ **Roll Call Number**
14-0540

Agenda Item Number
22

Date April 7, 2014

Block 56 and Block 57 and through SE 4th Street, all in the Town of De Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip easement 50.00 feet in width lying 25.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Southeast corner of said Lot 6; thence North 14° (degrees) 49' (minutes) 03" (seconds) West (all bearings assumed for purpose of this description only), 48.66 feet along the East line of said Lot 6 to the point of beginning; thence North 65°57'24" West, 517.67 feet to the East line of Lot 14, Block 80 in said Town of De Moines.

Containing 26,076 square feet or 0.60 acres, more or less.

3. That the meeting of the City Council at which the the conveyance of such property interests is to be considered shall be on April 21, 2014, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
5. There will be no proceeds associated with the conveyance of these easements.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED 7 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