

★ Roll Call Number

14-0648

Agenda Item Number

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Date April 21, 2014

**HOLD 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; and

WHEREAS, on April 7, 2014, by Roll Call No. 14-0540, it was duly resolved by the City Council that the proposed conveyance of such easements be set down for hearing on April 21, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey these 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of easements across City-owned property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to Des Moines Water Works of a Permanent Easement for Water Main Right-of-Way across City-owned property from Southeast 2nd Street and Shaw Street to



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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

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 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 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 Moine.

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

3. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Right-of-Way 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:



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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 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 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 Block 56 and Block 57 and through SE 4th Street, 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 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 Moine.

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

4. That the conveyance by the City of Des Moines of said easements to the Des Moines Water Works and the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), for public use and in accordance with Iowa Code Section 364.7(3), for the WRA new Main Outfall Phase 17, Segments 5 and 6 Project, be and is hereby approved.

5. The Mayor is authorized and directed to sign the Permanent Easements for the conveyances as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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6. 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.

7. 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.

8. 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.

9. There will be no proceeds associated with the conveyance of these easements.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|------------------------------|------|----------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | APPROVED | | |
| T. M. Franklin Council 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