

★ Roll Call Number

14-1161

Agenda Item Number

41

Date July 28, 2014

**HEARING FOR CONVEYANCE OF UNDERGROUND ELECTRIC EASEMENT  
ON CITY-OWNED PROPERTY AT 221 AND 313 WALNUT STREET  
TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, relocation of an existing underground electric transmission line servicing Cowles Commons and the Des Moines Civic Center is required in two locations in City-owned property along 3<sup>rd</sup> Street between Walnut Street and Locust Street, locally known as 221 Walnut Street and 313 Walnut Street, and thus MidAmerican Energy Company has requested an underground electric line easement across said City-owned property; and

**WHEREAS**, Des Moines Performing Arts leases the real property locally known as 221 Walnut Street from the City and has consented to the granting of the proposed easement; and

**WHEREAS**, the City of Des Moines needs to grant the requested easement to provide electrical service to this City-owned property for use at Cowles Commons and by lessee Des Moines Performing Arts; and

**WHEREAS**, the City and the public will not be inconvenienced by the conveyance of the permanent easement as requested by MidAmerican; and

**WHEREAS**, on July 14, 2014, by Roll Call No. 14-1056, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on July 28, 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 10-foot wide underground electric line easement at 313 Walnut Street along the west side of 3<sup>rd</sup> Street between Walnut Street and Locust Street and at 221 Walnut Street along the east side of 3<sup>rd</sup> Street between Walnut Street and Locust Street, legally described as follows, to MidAmerican Energy Company, for \$1 and in consideration of the electrical utilities being provided to the City-owned property for use at Cowles Commons and by lessee Des Moines Performing Arts, and the conveyance of said easement is hereby approved:

A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF BLOCK 23 IN FORT 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.

AND

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A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF BLOCK 32 IN FORT 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.

3. The Mayor is authorized and directed to sign the easement for the conveyance identified above, and the City Clerk or Deputy City Clerk are authorized and directed to attest to the Mayor's signature.
4. The City Clerk or Deputy City Clerk are 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.

APPROVED AS TO FORM:

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

Moved by Hensley to adopt.

*REN*

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

MOTION CARRIED 7-0 APPROVED  
T. M. Franklin Cowie 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