



Roll Call Number

14-1318

Agenda Item Number

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Date August 25, 2014

**HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT TO THE
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY
FOR THE WRA NEW MAIN OUTFALL, PHASE 17, SEGMENTS 3 AND 4 PROJECT**

WHEREAS, on September 21, 2010, by WRA Board Resolution No. 10-150, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Board authorized acquisition of property interests for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project by gift, negotiation or eminent domain; and

WHEREAS, in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the WRA, the WRA has requested the City to grant a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property east of Southeast 16th Street and south of Maury Street for the above-described project; and

WHEREAS, conveyance of this easement 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 easement; and

WHEREAS, on August 11, 2014, by Roll Call No. 14-1218, it was duly resolved by the City Council that the proposed conveyance of such easement be set down for hearing on August 25, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey this easement 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 an easement 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 the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property east of Southeast 16th Street and south of Maury Street, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall Phase 17, Segments 3 and 4 Project:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, CONVEYED TO THE CITY OF DES MOINES RECORDED IN BOOK 4241 ON PAGE 254 IN



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THE POLK COUNTY RECORDER'S OFFICE. SAID PERPETUAL EASEMENT BEING A STRIP EASEMENT 30.00 FEET IN WIDTH LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE EAST 1/4 CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA; THENCE NORTH 00°(DEGREES) 16'(MINUTES) 07"(SECONDS) WEST (ALL BEARINGS REFERENCED TO GRID NORTH IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE), 359.11 FEET ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 89°43'53" WEST, 970.81 FEET TO THE EAST LINE OF SAID CITY PROPERTY RECORDED IN BOOK 4241 ON PAGE 254, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 77°37'20" WEST, 1,128.01 FEET TO THE EAST LINE OF PARCEL 3B AS RECORDED IN BOUNDARY SURVEY RECORDED IN BOOK 9750 ON PAGE 436 IN SAID COUNTY RECORDER'S OFFICE. CONTAINING 34,196 SQUARE FEET, MORE OR LESS.

AND

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THAT PART OF LOTS 15 AND 16 IN THE OFFICIAL PLAT OF SECTION 12, AND THAT PART OF LOT 3 IN THE OFFICIAL PLAT OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 11, ALL IN TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, AS CONVEYED TO THE CITY OF DES MOINES IN BOOK 13811 ON PAGE 615 AND IN BOOK 5048 ON PAGE 633 IN THE POLK COUNTY RECORDER'S OFFICE. SAID PERPETUAL EASEMENT BEING A STRIP EASEMENT 30.00 FEET IN WIDTH LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE OR LINE EXTENDED:

COMMENCING AS A POINT OF REFERENCE AT THE WEST 1/4 CORNER OF SAID SECTION 12; THENCE NORTH 00°(DEGREES) 16'(MINUTES) 07"(SECONDS) WEST (ALL BEARINGS REFERENCED TO GRID NORTH IOWA STATE PLANE COORDINATE SYSTEM SOUTH ZONE), 148.47 FEET ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 12; THENCE SOUTH 89°43'53" WEST, 32.00 FEET TO THE WEST LINE OF THE EAST 32.00 FEET OF THE SOUTH 199.75 FEET OF SAID LOT 3, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 77°37'20" EAST, 1,466.48 FEET; THENCE NORTH 90°00'00" EAST, 130.97 FEET TO THE EAST LINE OF SAID LOT 15. CONTAINING 47,924 SQUARE FEET, MORE OR LESS.

3. That the conveyance by the City of Des Moines of said easement to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), for public use and in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall Phase 17, Segments 3 and 4 Project, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Permanent Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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- 5. 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 said documents to be recorded.
- 6. 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.
- 7. 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.
- 8. There will be no proceeds associated with the conveyance of this easement.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

RW

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

MOTION CARRIED 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