

★ Roll Call Number

14-1930

Agenda Item Number

18

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Date December 22, 2014

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT TO THE  
DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY 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 Authority (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**, 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 to the WRA across City-owned property located at 1395 East Railroad Avenue, 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.

**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 Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned property located at 1395 East Railroad Avenue, 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 5 and 6 Project:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN BLOCK 7, ALLEN'S SECOND ADDITION, 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 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 BLOCK 7; THENCE SOUTH 00°(DEGREES) 06'(MINUTES) 39"(SECONDS) WEST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 114.94 FEET ALONG THE EAST LINE OF SAID BLOCK 7; THENCE NORTH 89°53'21" WEST, 33.50 FEET TO THE WEST RIGHT-OF-WAY OF SE 14<sup>TH</sup> STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 82°35'28" WEST, 219.54 FEET; THENCE SOUTH 76°29'35" WEST, 215.63 FEET; THENCE

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NORTH 14°51'40" WEST, 13.39 FEET TO THE SOUTH RIGHT-OF-WAY OF E. RAILROAD AVENUE. CONTAINING 20,712 SQUARE FEET, MORE OR LESS.

2. That the meeting of the City Council at which the conveyance of such easements is to be considered shall be on January 12, 2015, 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.
3. 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.
4. There will be no proceeds associated with the conveyance of this easement.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]  
Cori Kuhn Coleman, Assistant City Attorney

*ron*

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

[Signature] 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.

[Signature] City Clerk