

★ Roll Call Number

15.0066

Agenda Item Number

46

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Date January 12, 2015

**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 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 Sanitary Sewer Right-of-Way is required by the Des Moines Metropolitan Wastewater Reclamation Authority (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; and

WHEREAS, on December 22, 2014, by Roll Call No. 14-1930, it was duly resolved by the City Council that the proposed conveyance of such easements be set down for hearing on January 12, 2015, 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 Right-of-Way 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), for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:



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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 14TH 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 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.

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), for the WRA new Main Outfall Phase 17, Segments 5 and 6 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.
 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.
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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.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman, Assistant City Attorney

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

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk