



Roll Call Number

15-0628

Agenda Item Number

47

Page 1

Date April 6, 2015

**HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR UNDERGROUND TELECOMMUNICATION LINES AND RELATED UTILITY EQUIPMENT TO CENTURYLINK FOR THE GRAND AVENUE OVER WALNUT CREEK BRIDGE REPLACEMENT PROJECT**

**WHEREAS**, construction of the City's Grand Avenue over Walnut Creek Bridge Replacement Project conflicts with the existing telecommunication lines and related utility equipment owned by Centurylink Corporation, resulting in the need to relocate said telecommunication lines and related utility equipment to a new site on City-owned property; and

**WHEREAS**, the existing telecommunication lines and related utility equipment have been relocated in order to maintain service to the public during and following project construction without interruption; and

**WHEREAS**, Centurylink Corporation has requested a Permanent Easement for Underground Telecommunication Lines and Related Utility Equipment across City-owned property located north of Grand Avenue and east of 63<sup>rd</sup> Street for the relocated telecommunication lines and related utility equipment, and the City will not be inconvenienced by the conveyance of said easement.

**WHEREAS**, on March 23, 2015, by Roll Call No. 15-0495, it was duly resolved by the City Council that the proposed conveyance of a Permanent Easement for Underground Telecommunication Lines and Related Utility Equipment across City-owned property located North of Grand Avenue and east of 63<sup>rd</sup> Street, to Centurylink Corporation, be set down for hearing on April 6, 2015, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to establish and grant this easement to Centurylink Corporation, 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, the objections to the proposed conveyance of a permanent easement, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the establishment and conveyance of a Permanent Easement for Underground Telecommunication Lines and Related Utility Equipment across City-owned property located North of Grand Avenue and east of 63<sup>rd</sup> Street to Centurylink Corporation, a Louisiana corporation, and said establishment and conveyance is hereby approved, said easement being more specifically described as follows:



**Roll Call Number**

15-0628

**Agenda Item Number**

47

**Date** April 6, 2015

A PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 0° (DEGREES) 01' (MINUTES) 21" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 218.86 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE NORTH 26°37'52" WEST, 130.73 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65°36'15" WEST, 143.33 FEET; THENCE NORTH 90°00'00" WEST, 9.51 FEET; THENCE SOUTH 17°31'41" WEST, 91.68 FEET; THENCE SOUTH 89°54'12" WEST, 7.89 FEET TO THE EAST RIGHT-OF-WAY LINE OF 63RD STREET AS PRESENTLY ESTABLISHED; THENCE NORTH 0°01'35" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 8.22 FEET; THENCE NORTH 17°31'41" EAST, 83.08 FEET; THENCE NORTH 00°00'00" EAST, 20.00 FEET; THENCE NORTH 90°00'00" EAST, 20.00 FEET; THENCE SOUTH 0°00'00" WEST, 3.53 FEET; THENCE SOUTH 65°36'15" EAST, 145.98 FEET; THENCE SOUTH 08°53'41" WEST, 15.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3,476 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. 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.
4. The City Clerk is authorized and directed to forward the original of this Permanent 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent 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 Permanent Easement and copies of the other documents to the grantees.
7. There will be no proceeds associated with the conveyance of this easement.



Roll Call Number

15-0628

Agenda Item Number

49

Page 3

Date April 6, 2015

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	6			1

Christine L. Heasley Mayor

MAYOR PRO TEM

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