

★ **Roll Call Number**

16-0230

**Agenda Item Number**

35

**Date** February 8, 2016

**HOLD HEARING FOR CONVEYANCE OF A PERPETUAL UNDERGROUND  
ELECTRIC EASEMENT ON CITY-OWNED PROPERTY AT GREENWOOD PARK AND  
ASHWORTH PARK TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, an underground electric transmission line is needed to provide electrical service for the City's Greenwood Park and Ashworth Park facilities, and for the facilities within Ashworth Park currently being leased to Bergman Academy, and thus MidAmerican Energy Company has requested an electric easement across said City-owned property in consideration of \$1 and the utility service being provided for the City facilities; and

**WHEREAS**, the City of Des Moines must grant the requested easement in order to provide electrical service to said facilities; and

**WHEREAS**, the City and the public will not be inconvenienced by the conveyance of the perpetual underground electric easement as requested by MidAmerican Energy Company; and

**WHEREAS**, on January 25, 2016, by Roll Call No. 16-0124, it was duly resolved by the City Council that the proposed conveyance of the perpetual underground electric easement be set down for hearing on February 8, 2016, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal to convey the perpetual underground electric 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 perpetual underground electric 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 perpetual underground electric easement to MidAmerican Energy Company across a portion of Greenwood Park and Ashworth Park, more specifically described as follows, to provide electrical service for the City's Greenwood Park and Ashworth Park facilities, and for the facilities within Ashworth Park currently being leased to Bergman Academy, in consideration of \$1 and the utility service being provided for the City facilities, and the conveyance of said perpetual underground electric easement is hereby approved:

**DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:**

The North Fourteen and Sixty-four One Hundredths (14.64) acres of the East Half of the West Half of the Southeast Quarter, and the West (40) acres of the Southeast Quarter (except two acres railway



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right-of-way) and the North Twelve and Forty-one One Hundredths (12.41) acres of the South Twenty-six and Eighty-three One Hundredths (26.83) acres of the East Half of the West Half of the Southeast Quarter of Section Twelve (12), Township Seventy-eight (78) North, Range Twenty-five (25) West of the Fifth (5th) P.M., Iowa and containing Sixty-five and Five One-hundredths (65.05) acre, more or less.

AND

The West half of the Northeast Quarter of Section Twelve (12), Township Seventy-eight (78), Range Twenty-five (25) West of the Fifth (5th) P.M., Polk County, Iowa.

Easement location to be five (5) feet on each side of the electric line as constructed.

3. The Mayor is authorized and directed to sign the perpetual underground electric easement for the conveyance 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 the perpetual underground electric 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 perpetual underground electric 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 perpetual underground electric easement.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				

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

APPROVED