

★ Roll Call Number

16.0887

Agenda Item Number

51

Date May 23, 2016

**HOLD HEARING FOR CONVEYANCE OF A SANITARY SEWER EASEMENT  
ACROSS CITY-OWNED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF  
63<sup>RD</sup> STREET AND GRAND AVENUE TO THE CITY OF WEST DES MOINES, IOWA,  
FOR THE CITY OF WEST DES MOINES' GRAND AVENUE SIPHON REPLACEMENT  
PROJECT FOR \$1.00**

**WHEREAS**, a permanent sanitary sewer easement and temporary construction easement has been requested by the City of West Des Moines, Iowa, across property owned by the City of Des Moines, Iowa, located at the southeast corner of Grand Avenue and 63<sup>rd</sup> Street, for the West Des Moines' Grand Avenue Siphon Replacement Project, which involves replacing an existing West Des Moines sanitary sewer; and

**WHEREAS**, the City of Des Moines ("City") needs to grant the requested easement in order for the City of West Des Moines to proceed with the above referenced project.

**WHEREAS**, the City has no current or anticipated public need for the easement interests proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said permanent sanitary sewer easement and temporary construction easement; and

**WHEREAS**, on May 9, 2016, by Roll Call No. 16-0761, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of said permanent sanitary sewer easement and temporary construction easement be set down for hearing on May 23, 2016, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey said permanent sanitary sewer easement and temporary construction 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 the 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 the permanent sanitary sewer easement and temporary construction easement, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the easement interests proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the permanent sanitary sewer easement and temporary construction easement across property owned by the City of Des Moines,

★ Roll Call Number

16-0887

Agenda Item Number

57

Date May 23, 2016

Iowa, located at the southeast corner of Grand Avenue and 63<sup>rd</sup> Street, legally described as follows, to the City of West Des Moines, Iowa for \$1.00, and said conveyance be and is hereby approved:

A permanent sanitary sewer easement located in Outlot "X", Murrowdale Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said permanent easement being more particularly described as follows:

Beginning at the Northeast corner of Lot 6, Murrowdale Plat 2, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa; thence North 89°57'59" West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), 45.00 feet along the North line of said Lot 6; thence North 12°19'48" West, 128.77 feet to the South line of an existing sanitary sewer easement as recorded in Book 2408 on Page 520 in the Polk County Recorder's Office; thence South 71°03'10" East, 24.74 feet along said South line; thence South 88°50'49" East, 29.67 feet along said South line; thence South 12°19'48" East, 94.11 feet to the West line of Tract A as recorded in Book 6506 on Page 13 in said County Recorder's Office; thence South 01°31'03" West, 25.26 feet along said West line of Tract A to the point of beginning. Containing 6,028 square feet, more or less.

AND

A temporary construction easement located in Outlot "X", Murrowdale Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said temporary easement being more particularly described as follows:

Beginning at the Northeast corner of Lot 6, Murrowdale Plat 2, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa; thence North 89°57'59" West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone), 90.00 feet along the North line of said Lot 6 to the Northwest corner thereof; thence North 11°30'32" East, 85.36 feet; thence North 71°03'10" West, 101.31 feet to the West line of said Outlot "X", said line also being the East right-of-way line of 63<sup>rd</sup> Street; thence North 00°01'22" West, 79.78 feet along said West line of Outlot "X" and said East right-of-way line of 63<sup>rd</sup> Street to the South right-of-way line of Grand Avenue; thence North 89°59'06" East, 174.02 feet along said South right-of-way to the West line of Tract A as recorded in a plat of survey in Book 6506 on Page 13 in the Polk County Recorder's Office; thence South 01°31'03" West, 196.48 feet along said West line of Tract A to the point of beginning, excluding an existing sanitary sewer easement as recorded in Book 2408 on Page 520 in said Polk County Recorder's Office and excluding perpetual easement exhibit PE-1. Containing 15,165 square feet, more or less.

★ Roll Call Number

16-0887

Agenda Item Number

51

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3. The Mayor is authorized and directed to sign the Permanent Sanitary Sewer Easement, which contains the temporary construction 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 the Permanent Sanitary Sewer 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 Permanent Sanitary Sewer Easement to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Sanitary Sewer 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 Sanitary Sewer Easement which contains the temporary construction easement to the grantees.
7. There are no proceeds associated with this transaction.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
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