

★ Roll Call Number

16-1035

Agenda Item Number

21

Date June 27, 2016

RESOLUTION CONSENTING TO A PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY GRANTED BY THE DES MOINES AIRPORT AUTHORITY TO THE CITY OF DES MOINES FOR THE USE AND BENEFIT OF THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa (“DMWW”) has requested a Permanent Easement for Water Main Right-of-Way be granted to the City of Des Moines for the use and benefit of DMWW across a portion of City-owned property located south of Army Post Road and east of Iowa Highway 28 and adjoining a segment of the Great Western Trail (“Property”); and,

WHEREAS, said Property is currently leased by the City to the Des Moines Airport Authority, which lease does give the Airport Authority the power to grant permanent easement interests therein; and

WHEREAS, said Permanent Easement for Water Main Right-of-Way will allow DMWW to construct, reconstruct, repair, enlarge and maintain, access and operate a 30-inch diameter water main associated with the Army Post Road Aquifer Storage and Recovery Well project, together with necessary appurtenances.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa does hereby consent to the conveyance of a Permanent Easement for Water Main Right-of-Way by the Des Moines Airport Authority to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa, across a portion of City-owned property located south of Army Post Road and east of Iowa Highway 28 and adjoining a segment of the Great Western Trail, and more particularly described as follows:

Commencing at the northeast corner of said Section 35; thence N 89° 45' 17" W along the north line of the northeast quarter of said Section 35, a distance of 813.90 feet; thence S 00° 06' 01" E, a distance of 381.81 feet to the Point of Beginning; thence N 67° 29' 49" E, a distance of 468.75 feet; thence S 00° 06' 01" E, a distance of 54.08 feet to the one and one-half inch diameter iron pipe on the south right-of-way line of the vacated Chicago Great Western Railway (formerly the Chicago, St. Paul and Kansas City Railway); thence S 67° 29' 49" W, a distance of 468.75 feet along the said south right-of-way line of the vacated Chicago Great Western Railway (formerly the Chicago, St. Paul and Kansas City Railway); thence N 00° 06' 01" W, a distance of 54.08 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 23,437 square feet.

★ Roll Call Number

16-1035

Agenda Item Number

21

Date June 27, 2016

2. The Mayor is authorized and directed to sign the Permanent Easement for Water Main Right-of-Way on behalf of the City of Des Moines, as a consenting party, and the City Clerk is authorized and directed to attest to the Mayor's signature.
3. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Water Main Right-of-Way, together with a certified copy of this resolution, to DMWW to be recorded.
4. There are no proceeds associated with this Permanent Easement for Water Main Right-of-Way.

MOVED by Gatto to adopt.

FORM APPROVED:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

rw

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