



Roll Call Number

16-1609

Agenda Item Number

24

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Date September 26, 2016

SET 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 Authority (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, in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the WRA, the WRA has requested the City grant a Permanent Easement for Sanitary Sewer Facilities to the WRA across City-owned property located at 462 SE 2nd Street, for the above-described project; and

WHEREAS, in accordance with Iowa Code 364.7(3) no consideration is required for the conveyance of said Permanent Easement for Sanitary Sewer Facilities; and

WHEREAS, conveyance of the Permanent Easement for Sanitary Sewer Facilities 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 Permanent Easement for Sanitary Sewer Facilities.

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

- 1. That the City Council of the City of Des Moines, Iowa proposes to convey a Permanent Easement for Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) across City-owned property located at 462 SE 2nd Street, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA New Main Outfall Phase 17, Segments 5 and 6 Project:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN THE NORTH 1/2 OF LOT 2, BLOCK O IN SCOTT AND DEANS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID PERPETUAL EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 46° (DEGREES) 07' (MINUTES) 34" (SECONDS) EAST (ALL BEARINGS ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY), 41.90 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 55°35'24" EAST, 33.70 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH 1/2 OF LOT 2; THENCE SOUTH 46°07'34" WEST, 49.24 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID NORTH 1/2 OF LOT 2; THENCE NORTH 43°01'12" WEST, 33.00

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FEET ALONG THE WEST LINE OF SAID NORTH ½ OF LOT 2 TO THE POINT OF BEGINNING.
CONTAINING 1,503 SQUARE FEET, MORE OR LESS.

- That the meeting of the City Council at which the conveyance of such easements is to be considered shall be on October 10, 2016, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.
- That the City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
- There will be no proceeds associated with the conveyance of this easement.

Moved by Gray to adopt.

APPROVED AS TO FORM:

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

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1
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