

★ Roll Call Number

116-11650

Agenda Item Number

56

Date September 26, 2016

**HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND  
ELECTRIC EASEMENT ON CITY-OWNED PROPERTY AT PROSPECT PARK FOR THE  
DRAKE BOATHOUSE PROJECT TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, an underground electric transmission line is needed across a portion of Prospect Park in order to provide electric service to the boathouse located thereon, which property is currently being leased to Drake University, and thus MidAmerican Energy Company has requested an underground electric easement across said City-owned property in consideration of \$1.00 and the utility service being provided to said boathouse; and

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

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

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1512, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the underground electric easement be set down for hearing on September 26, 2016, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal to convey the underground electric easement was given as provided by law, setting forth the time and place for hearing on the proposed conveyance; 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 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 an underground electric easement to MidAmerican Energy Company across a portion of Prospect Park to provide electrical service for the boathouse located thereon, which property is currently being leased to Drake University, more specifically described below, in consideration \$1 and the utility service being provided to said boathouse, and the conveyance of said underground electric easement is hereby approved:

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

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A PART OF LOTS 13 AND 14 IN THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 IN SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 700 FEET OF SAID LOT 14; THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID SOUTH 700 FEET OF SAID LOT 14, A DISTANCE OF 274.0 FEET; THENCE NORTH 00°00'00" EAST, 152.2 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°00'00" EAST, 21.1 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PROSPECT ROAD; THENCE SOUTH 71° EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 10.6 FEET; THENCE SOUTH 00°00'00" EAST, 21.1 FEET; THENCE NORTH 71°00'09" WEST, 10.6 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (212 S.F.).

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 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 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 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 underground electric easement and copies of the other documents to the grantee.
7. There will be no proceeds associated with the conveyance of this underground electric easement.



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Moved by Gray to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

[Handwritten initials]

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	10			1

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.

[Signature] Mayor

[Signature] City Clerk