

★ Roll Call Number

16-2110

Agenda Item Number

51

Date December 5, 2016

**HOLD HEARING FOR CONVEYANCE OF AN UNDERGROUND
ELECTRIC EASEMENT ON CITY-OWNED PROPERTY AT 7401 SW 9th STREET TO
MIDAMERICAN ENERGY COMPANY FOR \$1**

WHEREAS, an underground electric transmission line is needed across a portion of City-owned property located at 7401 SW 9th Street in order to provide electrical service to the Blank Park Zoo's new giraffe house located thereon, which property is currently being leased to Blank Park Zoo, and thus MidAmerican Energy Company has requested an underground electric easement ("Easement") across said City-owned property in consideration of \$1.00 and the utility service being provided therein; and

WHEREAS, the City of Des Moines, Iowa ("City"), must grant the easement in order to provide electrical service to the Blank Park Zoo's giraffe house, and the Blank Park Zoo consents to the City's grant of said Easement; and

WHEREAS, the City and the public will not be inconvenienced by the conveyance of said Easement as requested by MidAmerican Energy Company; and

WHEREAS, on November 21, 2016, by Roll Call No. 16-1993, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Easement be set down for hearing on December 5, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey the 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 City-owned property located at 7401 SW 9th Street to provide electrical services to the Blank Park Zoo's new giraffe house located thereon, which property is currently being leased to Blank Park Zoo, more specifically described below, in consideration of \$1 and the utility service being provided therein, and the conveyance of said underground electric easement is hereby approved:

ELECTRIC LINE EASEMENT DESCRIPTION: (Giraffe Bldg)



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AN 8-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE NORTHEAST QUARTER (1/4) OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND ACROSS A PART OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 33, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, GENERALLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, EASEMENT LOCATION TO BE 4 FEET ON EITHER SIDE OF ELECTRIC LINE AS CONSTRUCTED.

Easement location to be four (4) 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 this conveyance.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

ea

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
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