



Roll Call Number

17-1188

Agenda Item Number

40

Date July 10, 2017

HEARING FOR CONVEYANCE OF AN EASEMENT FOR OVERHEAD AND UNDERGROUND ELECTRIC LINES LOCATED WITHIN WAVELAND GOLF COURSE TO MIDAMERICAN ENERGY COMPANY FOR \$2,220.00

WHEREAS, MidAmerican Energy Company ("MidAmerican") has requested an easement on City-owned property located within Waveland Golf Course as a part of the Waveland Townhomes project to relocate and replace existing underground and overhead electric lines to accommodate the new townhome development; and

WHEREAS, MidAmerican has offered to the City of Des Moines the purchase price of \$2,220.00 for the purchase of a permanent easement for an overhead and underground electric lines within said City-owned property to accommodate the electric lines relocation project, which purchase price reflects the fair market value of the easement as determined by the City's Real Estate Division; and

WHEREAS, the City and the public will not be inconvenienced by the sale and conveyance of the permanent easement as requested by MidAmerican; and

WHEREAS, on June 26, 2017, by Roll Call No. 17-1050 it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on July 10, 2017, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of the proposal to convey the permanent easement was given as provided by law, setting forth the time and place for hearing on the 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 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 permanent easement described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of a permanent easement for an overhead and underground electric lines within said City-owned property to accommodate the electric lines relocation project, more specifically described below, for \$2,220.00, and the conveyance of said easement is hereby approved:

A portion of the Northwest Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

★ Roll Call Number

17-1188

Agenda Item Number

40

Date July 10, 2017

Commencing at the Northeast corner of Lot 2 in Waveland Townhomes Park Plat 1, an Official Plat, Des Moines, Polk County, Iowa; thence North 00°15'24" West along the west line of Parcel 2016-128 as recorded in book 16070, page 869 of the Polk County Recorder's Office, a distance of 43.51 feet to the POINT OF BEGINNING; thence South 55°11'13" West, a distance of 76.72 feet to a point on the north line of Lot 1 in said Waveland Townhomes Park Plat 1; thence South 89°44'15" West along the north line of said Lot 1, a distance of 6.81 feet to the northwest corner of said Lot 1; thence South 00°15'45" East, a distance of 13.38 feet; thence South 16°07'26" West, a distance of 109.35 feet; thence South 64°26'55" East, a distance of 108.90 feet; thence North 90°00'00" East, a distance of 2.66 feet; thence South 00°00'00" East, a distance of 10.00 feet; thence North 90°00'00" West, a distance of 4.93 feet; thence North 64°26'55" West, a distance of 147.41 feet; thence North 25°33'05" East, a distance of 10.00 feet; thence South 64°26'55" East, a distance of 26.10 feet; thence North 16°07'26" East, a distance of 122.59 feet; thence North 55°11'13" East, a distance of 91.54 feet to a point on the west line of Lot 40 Cummins Woods, an Official Plat, Des Moines, Polk County, Iowa; thence South 00°15'24" East along the west line of said Lot 40 and the west line of said Parcel 2016-128, a distance of 12.14 feet to the POINT OF BEGINNING.

SAID EASEMENT CONTAINS 3551 SQUARE FEET.

3. The Mayor is authorized and directed to sign the easement for the conveyance identified above, and the Deputy City Clerk is authorized and directed to attest to the Mayor's signature.
4. The Deputy City Clerk is authorized and directed to forward the original of the 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 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 easement and copies of the other documents to the grantee.
7. The proceeds from the sale of this property shall be deposited into the following account: Org – EG064090.

★ Roll Call Number

17-1188

Agenda Item Number

40

Date July 10, 2017

(Council Communication No. 17-536)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

PRW

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| HENSLEY | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| GRAY | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

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

T. M. Franklin Mayor