



Roll Call Number

17-1420

Agenda Item Number

65

Date August 14, 2017

**HEARING FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC EASEMENT  
ACROSS A PORTION OF GLENDALE CEMETERY TO MIDAMERICAN ENERGY  
COMPANY FOR \$1.00**

**WHEREAS**, MidAmerican Energy Company ("MidAmerican") has requested an underground electric easement on City-owned property located within Glendale Cemetery in order to provide electric service to City buildings located in the Cemetery; and

**WHEREAS**, because the City of Des Moines requested the electric service and will benefit from said electric service there is no consideration to be paid by MidAmerican Energy Company for conveyance of the underground electric easement; and

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

**WHEREAS**, on July 24, 2017, by Roll Call No. 17-1238, it was duly resolved by the City Council that the proposed conveyance of the easement be set down for hearing on August 14, 2017, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of the proposal to convey the permanent underground electric 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 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 of a permanent underground electric easement, more specifically described below, within said City-owned property in order to provide electric service to City buildings located in Glendale Cemetery, and the conveyance of said easement is hereby approved:

A PART OF THE WEST 60 ACRES OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF WAVELAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK



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COUNTY, IOWA ; THENCE NORTH 00°(DEGREES) 23'(MINUTES) 12"(SECONDS) WEST ALONG THE WEST LINE OF SAID OFFICIAL PLAT, 33.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF UNIVERSITY AVENUE; THENCE NORTH 89°42'13" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 151.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°42'13" WEST ALONG SAID NORTH

RIGHT OF WAY, 11.14 FEET; THENCE NORTH 26°28'47" EAST, 73.18 FEET; THENCE NORTH 0°00'00" EAST, 9.16 FEET; THENCE SOUTH 90°00'00" EAST, 14.00 FEET; THENCE SOUTH 0°00'00" WEST, 12.00 FEET; THENCE SOUTH 90°00'00" WEST, 4.24 FEET; THENCE SOUTH 26°28'47" WEST, 70.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (870 SQ. FT.)

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 MidAmerican Energy Company.
7. There are no proceeds associated with this conveyance.



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Moved by Gray to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

PSW

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

MOTION CARRIED

APPROVED

J. 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