

★ Roll Call Number
18-0044

Agenda Item Number
23

Date January 8, 2018

**SET HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR
STORM SEWER RIGHT-OF-WAY, PUMP STATION, AND FLOOD PROTECTION
LEVEE ON CITY-OWNED PROPERTY LOCATED AT 227 63RD STREET TO THE
CITY OF WEST DES MOINES**

WHEREAS, the City of Des Moines is owner of property located at 227 63rd Street (hereinafter "Property"), more particularly described below; and

WHEREAS, the City of West Des Moines plans to build a storm water sewer and storm water pump station on the Property and has requested a Permanent Easement for Storm Sewer Right-of-Way, Pump Station and Flood Protection Levee on the Property to allow said new improvements to be installed and maintained and to allow West Des Moines to maintain the existing levees and floodwalls; and

WHEREAS, a Permanent Easement for Storm Sewer Right-of-Way, Pump Station and Flood Protection Levee is required by the First Amended and Restated Iowa Code 28E Agreement Between the City of Des Moines, Iowa, and the City of West Des Moines, Iowa, Providing for the Operation, Maintenance, and Security of the Raccoon River and Walnut Creek Flood Protection Improvements Constructed by the U.S. Army Corps of Engineers, which agreement will be presented to Council for approval at the January 22, 2018 meeting; and

WHEREAS, the City will not be inconvenienced by the conveyance of said Permanent Easement for Storm Sewer Right-of-Way, Pump Station and Flood Protection Levee on the Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Storm Sewer Right-of-Way, Pump Station and Flood Protection Levee upon City-owned property located at 227 63rd Street, as legally described, to the grantee, and for the consideration identified below:

Grantee: City of West Des Moines

Consideration: \$1.00

Legal Description: A TRACT OF LAND LOCATED IN OUTLOT X AND ALL OF LOT 6 OF MURROWDALE PLAT 3, AN OFFICIAL PLAT, AS RECORDED IN BOOK X, PAGE 75 AND ALL OF LOT 8 OF MURROWDALE PLAT 2, AN OFFICIAL PLAT, RECORDED IN BOOK Q, PAGE 107 OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE SOUTH 00° 02' 56" WEST,

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1409.44 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE SOUTH 89° 57' 04" EAST 59.39 FEET TO THE NORTHWEST CORNER OF SAID LOT 6 ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89° 57' 56" EAST, 115.60 FEET ALONG THE NORTH LINE OF SAID LOT 6 TO THE EASTERLY LINE OF SAID OUTLOT X; THENCE SOUTH 00° 04' 47" EAST, 132.70 FEET ALONG SAID EASTERLY LINE; THENCE SOUTH 25° 48' 52" EAST, 185.82 FEET CONTINUING ALONG SAID EASTERLY LINE; THENCE SOUTH 89° 57' 57" WEST, 71.52 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 89° 57' 57" WEST, 125.00 FEET ALONG THE SOUTH LINE OF SAID LOT 8 TO THE EAST RIGHT-OF-WAY LINE OF 63RD STREET; THENCE NORTH 00° 02' 04" WEST, 300.03 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 41,468 SQUARE FEET OR 0.95 ACRES MORE OR LESS.

2. A public hearing shall be held on January 22, 2018, at 5:00 p.m. in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. 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.
4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:


 Lisa A. Wieland
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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