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**HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES AND QUITCLAIM OF INTEREST IN EXISTING SANITARY SEWER FACILITIES TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE WRA SOUTHERN TIER INTERCEPTOR, PHASE 10, SEGMENTS 15-17 PROJECT**

**WHEREAS**, on August 21, 2012, by WRA Board Resolution No. 12-131, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) Board authorized acquisition of property interests for the WRA Southern Tier Interceptor, Phase 10, Segments 15-17 Project by gift, negotiation or eminent domain; and

**WHEREAS**, in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the WRA, the WRA has requested the City to grant a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property west of Southeast 34<sup>th</sup> Street between Evergreen Avenue and East Pine Avenue at no cost for the above-described project; and

**WHEREAS**, conveyance of this Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities will have no significant impact upon the public use of the City-owned property, and the City will not be inconvenienced by the conveyance of said Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities; and

**WHEREAS**, on January 22, 2018, by Roll Call No. 18-0112, it was duly resolved by the City Council that the proposed conveyance of such Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities be set down for hearing on February 5, 2018, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of an Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest



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in Existing Sanitary Sewer Facilities across City-owned property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the easement area described below and the public would not be inconvenienced by reason of the conveyance to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities across City-owned property west of Southeast 34<sup>th</sup> Street between Evergreen Avenue and East Pine Avenue, as legally described below, at no cost for public use in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA Southern Tier Interceptor, Phase 10, Segments 15-17 Project:

A perpetual sanitary sewer easement located in Lot B and Lot C, Three Lakes Estates Plat 1, and in that property lying North of and adjacent to Outlot R, Three Lakes Estates Plat 6, both Official Plats, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being more particularly described in three (3) segments as follows:

Segment 1

Said perpetual easement segment 1 being a strip easement 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Center of Section 36, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa; thence South 89°(degrees) 32'(minutes) 06"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 107.60 feet along the South

line of the Northeast 1/4 of said Section 36; thence North 00°27'54" East, 45.00 feet to the North right-of-way of E. Pine Avenue and the South line of said Lot C, said point being the point of beginning; thence North 31°14'23" East, 317.11 feet; thence North 33°48'56" East, 530.00 feet; thence North 38°31'44" East, 505.00 feet; thence North 42°48'48" East, 449.01 feet to the South right-of-way of Three Lakes Parkway, excluding an existing 30 foot perpetual sanitary sewer easement. The sidelines of said strip to be shortened or lengthened to terminate at the North right-of-way of E. Pine Avenue on the South and at the South right-of-way of Three Lakes Parkway on the North. Containing 32,457 square feet or 0.74 acres, more or less.

Segment 2

Said perpetual easement segment 2 being a strip easement 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

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Commencing as a point of reference at the Northeast corner of Section 36, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa; thence North 89°(degrees) 40'(minutes) 07"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 674.83 feet along the North line of the Northeast 1/4 of said Section 36; thence South 00°19'53" West, 350.38 feet to a point on the East line of said Lot B, said point being the point of beginning; thence South 65°29'51" West, 60.31 feet; thence South 43°12'40" West, 520.00 feet; thence South 43°19'17" West, 485.43 feet to the North right-of-way of Three Lakes Parkway, excluding an existing 30 foot perpetual sanitary sewer easement. The sidelines of said strip to be shortened or lengthened to terminate at the East line of Lot B on the North and at the North right-of-way of Three Lakes Parkway on the South. Containing 6,919 square feet or 0.16 acres, more or less.

Segment 3

Said perpetual easement segment 3 being a strip easement 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northeast corner of Section 36, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa; thence North 89°(degrees) 40'(minutes) 07"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 159.10 feet along the North line of the Northeast 1/4 of said Section 36; thence South 00°19'53" West, 156.65 feet to a point on the South right-of-way of E. Army Post Road, said point being the point of beginning; thence South 51°05'44" West, 61.60 feet; thence North 88°30'19" West, 128.00 feet; thence South 65°29'51" West, 374.69 feet to the East line of said Lot B, Three Lakes Estates Plat 1, excluding an existing 30 foot perpetual sanitary sewer easement. The sidelines of said strip to be shortened or lengthened to terminate at the East line of Lot B on the West and at the South right-of-way of E. Army Post Road on the East. Containing 11,742 square feet or 0.27 acres, more or less. Total area containing 51,118 square feet or 1.17 acres, more or less.

And

A perpetual sanitary sewer easement, located in Basin 9 in the Southwest fractional 1/4 of the Southwest fractional 1/4 of Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa as conveyed to the City of Des Moines recorded in Book 10851 on Page 673 in the Polk County Recorder's Office and located in Lot A, Easter Lake South Plat 2, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:



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Segment 1

Perpetual easement segment 1 being a strip 22.50 feet in width lying 15.00 feet on the Northwest side and lying 7.50 feet on the Southeast side of the following described line:

Commencing as a point of reference at the Southwest corner of said Section 30; thence South 87°(degrees) 25'(minutes) 12"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 39.71 feet along the South line of said Southwest fractional 1/4 of the Southwest fractional 1/4; thence North 0234'48" East, 39.05 feet to the North right-of-way of E. Army Post Road, said point being the point of beginning; thence North 42'10"04" East, 32.40 feet; thence North 56'55"16" East, 375.12 feet; thence North 51'50"41" East, 236.39 feet; thence North 32'32"41" East, 894.48 feet to a point on the East line of said Basin 9. The sidelines of said strip to be shortened or lengthened to terminate at the North right-of-way of E. Army Post Road on the South and at the East line of Basin 9 in the Southwest 1/4 of the Southwest 1/4 on the North. Containing 16,757 square feet or 0.38 acres, more or less.

Segment 2

Perpetual easement segment 2 being a strip 15.00 feet in width lying 7.50 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northeast corner of said Southwest fractional 1/4 of the Southwest fractional 1/4 of Section 30; thence North 87°(degrees) 24'(minutes) 24"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 54.88 feet along the North line of said Southwest fractional 1/4 of the Southwest fractional 1/4; thence North 02'35"36" East, 40.00 feet to the North right-of-way of E. Payton Avenue, said point being on the South line of said Lot A and the point of beginning; thence North 52'36"07" East, 369.44 feet to a point on the East line of said Lot A. The sidelines of said strip to be shortened or lengthened to terminate at the North right-of-way of E. Payton Avenue on the South and at the East line of Lot A on the North. Containing 5,542 square feet or 0.13 acres, more or less. Total area containing 22,299 square feet or 0.51 acres, more or less.

And

A perpetual sanitary sewer easement located in the East Pine Avenue right-of-way in the Southwest 1/4 of the Northeast 1/4 and in the Northwest 1/4 of the Southeast 1/4, all in Section 36, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:

Segment 1

Perpetual easement Segment 1 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:



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Commencing as a point of reference at the Center of said Section 36; thence South 89°(degrees) 32'(minutes) 06"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 80.80 feet along the South line of said Southwest 1/4 of the Northeast 1/4 of Section 36 to the point of beginning; thence North 31°14'23" East, 46.56 feet to the North right-of-way line of said East Pine Avenue.

Segment 2

Perpetual easement Segment 2 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Center of said Section 36; thence South 89°(degrees) 32'(minutes) 06"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 80.80 feet along the North line of said Northwest 1/4 of the Southeast 1/4 of Section 36 to the point of beginning; thence South 31°14'23" West, 46.56 feet to the South right-of-way line of said East Pine Avenue. Containing 2,968 square feet, more or less.

And

A perpetual sanitary sewer easement located in the Three Lakes Parkway right-of-way, also known as, Lot D, Three Lakes Estates Plat 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said perpetual easement being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Southeast corner of said Lot D; thence North 54°(degrees) 48'(minutes) 52"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 239.01 feet along the Southwesterly line of said Lot D to the point of beginning; thence North 43°01'10" East, 60.57 feet to the Northeasterly line of said Lot D, excluding an existing 30 foot sanitary sewer easement. Containing 716 square feet, more or less.

And

A perpetual sanitary sewer easement located in the East Army Post Road right-of-way in the Northeast 1/4 of Section 36, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. and in the Southwest 1/4 of Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., all in Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:



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Segment 1

Perpetual easement Segment 1 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Beginning at the Northeast corner of said Section 36; thence South 41°(degrees) 36'(minutes) 46"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 125.63 feet; thence South 51°05'44" West, 98.40 feet to the South right-of-way line of said East Army Post Road.

Segment 2

Perpetual easement Segment 2 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Beginning at the Southwest corner of said Section 30; thence North 43°(degrees) 31'(minutes) 22"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 51.45 feet to the North right-of-way line of said East Army Post Road. Containing 7,822 square feet, more or less.

And

A perpetual sanitary sewer easement located in the East Army Post Road right-of-way in the Southeast 1/4 of Section 25, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. and in the Northwest 1/4 of Section 31, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., all in Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:

Segment 1

Perpetual easement Segment 1 being more particularly described as follows:

Beginning at the Southeast corner of said Section 25; thence North 89°(degrees) 40'(minutes) 07"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 19.96 feet along the South line of said Southeast 1/4; thence North 42°39'25" East, 29.60 feet to the East line of said Southeast 1/4; thence South 00°15'08" West, 21.88 feet along said East line to the point of beginning.

Segment 2

Perpetual easement Segment 2 being more particularly described as follows:

Beginning at the Northwest corner of said Section 31; thence South 87°(degrees) 25'(minutes) 12"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone),



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19.86 feet along the North line of said Northwest 1/4; thence South 4226'27" West, 29.44 feet to the West line of said Northwest 1/4; thence North 0004'19" East, 22.62 feet along said West line to the point of beginning. Containing 443 square feet, more or less.

And

A perpetual sanitary sewer easement located in the East Payton Avenue right-of-way in the Southwest 1/4 of Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:

Segment 1

Perpetual easement Segment 1 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 30; thence North 87°(degrees) 24'(minutes) 24"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 111.14 feet along the North line of said Southwest 1/4 of the Southwest 1/4 to the point of beginning; thence South 4658'44" West, 55.97 feet to the South right-of-way of said East Payton Avenue.

Segment 2

Perpetual easement Segment 2 being more particularly described as follows:

Commencing as a point of reference at the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 30; thence North 87°(degrees) 24'(minutes) 24"(seconds) West (all bearings referenced to Grid North Iowa Real Time Network South Zone), 111.14 feet along the South line of said Northwest 1/4 of the Southwest 1/4 to the point of beginning; thence North 4658'44" East, 55.98 feet to the North right-of-way of said East Payton Avenue. Containing 1,793 square feet, more or less.

And

A perpetual sanitary sewer easement located in the Easter Lake Drive right-of-way in the Northeast 1/4 of the Northwest 1/4 and in the Southeast 1/4 of the Northwest 1/4, all in Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:

Segment 1

Perpetual easement Segment 1 being more particularly described as follows:



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The South 40.00 feet of the West 30.00 feet of the East 80.00 feet of said Northeast 1/4 of the Northwest 1/4 of Section 30, excluding existing perpetual easement.

Segment 2

Perpetual easement Segment 2 being more particularly described as follows:

The North 50.00 feet of the West 30.00 feet of the East 80.00 feet of said Southeast 1/4 of the Northwest 1/4 of Section 30, excluding existing perpetual easement. Containing 1,212 square feet, more or less.

And

A perpetual sanitary sewer easement located in the Evergreen Drive right-of-way in the Northeast 1/4 of the Southwest 1/4 and in the Southeast 1/4 of the Southwest 1/4, all in Section 19, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa. Said perpetual easement being more particularly described in two (2) segments as follows:

Segment 1

Perpetual easement Segment 1 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the South 1/4 corner of said Section 19; thence North 00(degrees) 17'(minutes) 10"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 1,328.24 feet along the East line of said Southwest 1/4 to the South line of said Northeast 1/4 of the Southwest 1/4; thence North 8726'53" East, 617.92 feet along said South line to the point of beginning; thence North 1751'22" West, 51.85 feet to the North right-of-way of said Evergreen Drive.

Segment 2

Perpetual easement Segment 2 being a strip 30.00 feet in width lying 15.00 feet on each side of the following described line or line extended:

Commencing as a point of reference at the South 1/4 corner of said Section 19; thence North 00(degrees) 17'(minutes) 10"(seconds) East (all bearings referenced to Grid North Iowa Real Time Network South Zone), 1,328.24 feet along the East line of said Southwest 1/4 to the North line of said Southeast 1/4 of the Southwest 1/4; thence North 8726'53" East, 617.92 feet along said North line to the point of beginning; thence South 1751'22" East, 38.74 feet to the South right-of-way of said Evergreen Drive. Containing 2,718 square feet, more or less.





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3. That the conveyance by the City of Des Moines of said easement to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), at no cost for public use and in accordance with Iowa Code Section 364.7(3) and in accordance with Article XV, Section 3 of the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the WRA Southern Tier Interceptor, Phase 10, Segments 15-17 Project, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities, 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 said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities, 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities and copies of the other documents to the grantee.
8. There will be no proceeds associated with the conveyance of this Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

[Signature] Lisa A. Wieland, Assistant City Attorney

BW

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

[Signature] Mayor

[Signature] City Clerk