



Roll Call Number

18-0689

Agenda Item Number

26

Date April 23, 2018

SET HEARING FOR APPROVAL OF CORRECTED QUIT CLAIM DEED AND APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 2 WITH THE UNITED STATES ARMY CORPS OF ENGINEERS FOR ASSIGNMENT OF THE WESTSIDE EQUALIZATION BASIN AND PUMP STATION EASEMENT AT PROSPECT PARK TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, on November 8, 2004, by Roll Call No. 04-2435, the City Council of the City of Des Moines, Iowa ("City") approved conveyance of certain sanitary interceptor sewers, wastewater detention basins and pumping stations at Prospect Park ("Property") by the City to the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA"); and

WHEREAS, upon recording of the Quit Claim Deed transferring the property to the WRA, it was determined that the description for two of the easement interests as set forth in the Quit Claim Deed contained scrivener errors, which must be corrected in order to properly effectuate the conveyance to the WRA; and

WHEREAS, the proposed Corrected Quit Claim Deed corrects said scrivener errors; and

WHEREAS, on August 21, 1989, by Roll Call No. 89-3620, the City Council of the City of Des Moines, Iowa approved acceptance of an Easement for Wastewater Equalization Basin and Pump Station Contract No. DACW25-2-89-4187 ("Easement") from the Department of the Army Corps of Engineers for the Westside Equalization Basin and Pump Station Project in Prospect Park; and

WHEREAS, the City subsequently requested that the Easement be amended by virtue of Supplemental Agreement No. 1 to authorize the construction, operation and maintenance of the improvements to the existing berm on Tract No. 1930; and

WHEREAS, the WRA has requested that the Easement be assigned from the City of Des Moines, Iowa to the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA"); and

WHEREAS, the proposed Supplemental Agreement No. 2 with the Army Corps of Engineers assigns the City's interest in the Easement to the WRA.

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 Corrected Quit Claim Deed to the Des Moines Metropolitan Wastewater Reclamation Authority, for the purpose of correcting the Quit Claim Deed filed on November 29, 2004, in Book 10838, Page 377 in the Polk County Recorder's Office, in order to convey certain sanitary interceptor sewers, wastewater detention basins and pumping stations authorized pursuant to easements recorded in Book 6140, Page 62 and Book 6355, Page 916 in the Polk County Recorder's Office:



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- The City Council of the City of Des Moines, Iowa, further proposes to accept Supplemental Agreement No. 2 Easement for Wastewater Equalization Basin and Pump Station Contract No. DACW25-2-89-4187, which assigns the City's interest in said easement to the Des Moines Metropolitan Wastewater Reclamation Authority.
- A public hearing shall be held on May 7, 2018, at 5:00 p.m. in the City Council Chamber, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.
- 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.
- There are no proceeds associated with this action.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RTW

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