



Roll Call Number

18-0731

Agenda Item Number

60

Date April 23, 2018

HOLD HEARING FOR CONVEYANCE OF A PERMANENT EASEMENT FOR WATER MAIN ACROSS CITY-OWNED PROPERTY LOCATED IN GRAY'S LAKE PARK TO DES MOINES WATER WORKS FOR \$1.00

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa has requested a Permanent Easement for Water Main be granted to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa (hereinafter "Des Moines Water Works") across a portion of City-owned property located within Gray's Lake Park east of Fleur Drive at George Flagg Parkway (hereinafter "Property") more particularly described below; and,

WHEREAS, Des Moines Water Works has requested that the City convey said Permanent Easement for Water Main to City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa in accordance with Iowa Code Section 364.7(3) for the public purposes of constructing, reconstructing, repairing, enlarging, maintaining, accessing, and operating a water main, together with appurtenances thereto, both above and below ground, under, over, through and across said Property; and

WHEREAS, on April 9, 2018, by Roll Call No. 18-0571, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Permanent Easement for Water Main be set down for hearing on April 23, 2018, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Permanent Easement for Water Main 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 the 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 the Permanent Easement for Water Main in a portion of City-owned property located within Gray's Lake Park east of Fleur Drive at George Flagg Parkway, Des Moines, Iowa, as legally described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the property interest proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Permanent Easement for Water Main in a portion of City-owned property, as legally described below, located east of Fleur Drive at George Flagg Parkway, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa, for public use of constructing, reconstructing, repairing, enlarging,



Roll Call Number

18-0731

Agenda Item Number

60

Date April 23, 2018

maintaining, accessing, and operating a water main as consideration in accordance with Iowa Code Section 364.7(3):

A PART OF LOT 1 AND A PART OF LOT 2, HARRIET PLACE, AN OFFICIAL PLAT 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 SAID LOT 1; THENCE NORTH 0°00'00" EAST (THE WEST LINE OF SAID LOT 1 IS ASSUMED TO BEAR NORTH 00°00'00" EAST FOR THE PURPOSE OF THIS DESCRIPTION ONLY), ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 586.70 FEET; THENCE NORTH 90°00'00" EAST, 23.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF FLEUR DRIVE AND THE POINT OF BEGINNING; THENCE NORTH 0°00'00" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 150.00 FEET; THENCE NORTH 90°00'00" EAST, 95.00 FEET; THENCE SOUTH 0°00'00" WEST, 750.04 FEET TO A POINT 50 FEET SOUTHERLY MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID LOT 1 AND BEING THE SOUTH LINE OF AN AFFIDAVIT EXPLANATORY OF TITLE RECORDED IN BOOK 12782, PAGE 871-872 IN THE POLK COUNTY RECORDERS OFFICE; THENCE SOUTH 71°33'00" WEST ALONG SAID SOUTH LINE, 42.17 FEET; THENCE NORTH 0°00'00" EAST, 613.39 FEET; THENCE SOUTH 90°00'00" WEST 55.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.88 ACRES (38,519 S.F.).

3. The Mayor is authorized and directed to sign the Permanent Easement for Water Main for the conveyance as 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 Permanent Easement for Water Main, 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Water Main, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Des Moines Water Works for acceptance by the Board of Water Works Trustees of the City of Des Moines, Iowa and recording of these documents.
6. There are no proceeds associated with the conveyance of this Permanent Easement for Water Main.



Roll Call Number

180731

Agenda Item Number

60

Date April 23, 2018

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PSW

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