



Roll Call Number

19-0585

Agenda Item Number

44

Date April 8, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 1601 COUNTY LINE ROAD TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY ORIGINALLY ACQUIRED FOR THE SOUTHERN TIER INTERCEPTOR PUMP STATION AND EQUALIZATION BASIN PHASE 10 – SEGMENT 2 PROJECT NOW KNOWN AS THE HIGHLAND HILLS PUMP STATION AND EQUALIZATION BASIN

WHEREAS, pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, approved and authorized for execution by the City Council of the City of Des Moines on April 19, 2004, pursuant to Roll Call No. 04-844, and the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority ("WRA Agreement"), approved and authorized for execution by the City Council of the City of Des Moines on April 21, 2014, pursuant to Roll Call No. 14-0654, the existing wastewater conveyance facilities described in Exhibit 1 to said Agreement, acquired by and held in the name of the Participating Communities, were deemed transferred to the WRA upon the date the WRA issued bonds to defease bonds issued by the City of Des Moines for the construction or improvement of such facilities; and

WHEREAS, the City of Des Moines owns property located at 1601 County Line Road, Des Moines, Iowa ("Property"), upon which wastewater conveyance facilities were originally constructed as part of the Southern Tier Interceptor Pump Station and Equalization Basin Phase 10 – Segment 2 Project, now known as the WRA's Highland Hills Pump Station and Equalization Basin, and which wastewater conveyance facilities are a WRA asset; and

WHEREAS, the Property should have been included in the WRA Agreement executed on April 19, 2004, and the Property now needs to be transferred from the City to the WRA for the WRA to complete demolition and disposal activities on the Property; and

WHEREAS, there is no known current or future public need for the Property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said property to the WRA; and

WHEREAS, in accordance with Iowa Code 364.7, the City proposes to convey the Property to the WRA at no cost for the public purpose of the WRA's Highland Hills Pump Station and Equalization Basin Project, subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same; and

WHEREAS, on March 25, 2019, by Roll Call No. 19-0467, it was duly resolved by the City Council that the proposed conveyance be set down for hearing on April 8, 2019, at 5:00 p.m., in the City Council Chambers; and



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WHEREAS, due notice of said proposal was given to all necessary parties 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, the objections to the proposed conveyance of the City-owned property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of the following described real property located at 1601 County Line Road, Des Moines, Iowa, more specifically described as follows, to the Des Moines Metropolitan Wastewater Reclamation Authority at no cost, subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same:

LOTS 48 THROUGH 90, AND LOTS 104 THROUGH 106, HIGHLAND HILLS PLAT No.6, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 21.12 ACRES (920,122 SQUARE FEET).

3. That the conveyance by the City of Des Moines of said real property to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), in accordance with Iowa Code Section 364.7(3) and in accordance with the WRA Agreement, by quit claim deed for use in association with the WRA's Highland Hills Pump Station and Equalization Basin Project, subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Quit Claim Deed 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 this Deed, 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.



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- 6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, 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 Deed and copies of the other documents to the grantee.
- 8. There will be no proceeds associated with the conveyance of this property.

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool
Kathleen Vanderpool, City Attorney

PTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>T.M. Frankhu Cownie</u> 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