



Roll Call Number

19-1264

Agenda Item Number

67

Date August 5, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC EASEMENT IN CITY PROPERTY LOCATED SOUTH OF INTERSTATE 235 BETWEEN 2ND AVENUE AND THE DES MOINES RIVER TO MIDAMERICAN ENERGY COMPANY

WHEREAS, an underground electric transmission line is needed across a portion of City-owned property located south of Interstate 235 between 2nd Avenue and the Des Moines River ("Property") in order to provide electrical service to the Lauridsen Skate Park located on adjacent Polk County property, and thus MidAmerican Energy Company has requested an underground electric easement ("Easement") across said City-owned property in consideration of the utility service made available to the City therein; and

WHEREAS, said Easement is required in order to provide electrical service to the Lauridsen Skate Park, and Polk County supports the granting of said Easement; and

WHEREAS, the City of Des Moines, Iowa ("City") and the public will not be inconvenienced by the conveyance of said Easement to MidAmerican Energy Company; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1101, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Easement be set down for hearing on August 5, 2019, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property 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 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, that:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the underground electric easement described below are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the Easement proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of an underground electric easement to MidAmerican Energy Company across a portion of City-owned property located south of Interstate 235 between 2nd Avenue and the Des Moines River in order to provide electrical service to the Lauridson Skate Park located on adjacent Polk County property, more specifically described below, in consideration of the utility service being provided therein, and the conveyance of said underground electric easement is hereby approved:

Legal Description (Area A)



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THE SOUTH 10.0 FEET OF THE WEST 65.0 FEET, AS MEASURED ALONG THE SOUTH LOT LINE, OF LOT 2, BLOCK C, RIVER HILLS PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID EASEMENT CONTAINS 629 SQUARE FEET, MORE OR LESS.

Legal Description (Area B)

THE NORTH 385.0 FEET OF THE WEST 10.0 FEET OF LOT 5, RIVER HILLS PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID EASEMENT CONTAINS 3,850 SQUARE FEET, MORE OR LESS.

3. The Mayor is authorized and directed to sign the underground electric easement for the conveyance 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 underground electric easement, 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 the documents to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the underground electric easement, 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the underground electric easement and copies of the other documents to the grantee.
7. There will be no proceeds associated with this conveyance.



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Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
HENSLEY	✓			
MOORE	✓			
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.

Diane Rauh City Clerk

MOTION CARRIED APPROVED