



Roll Call Number

19-1440

Agenda Item Number

67

Date September 9, 2019

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC EASEMENT IN CITY PARKLAND LOCATED AT 5550 SOUTHEAST 19TH STREET (EWING PARK) TO MIDAMERICAN ENERGY COMPANY

WHEREAS, an underground electric transmission line is needed across a portion of City parkland located at 5550 SE 19th Street within Ewing Park (“Property”) in order to provide electrical service to a City-owned telecommunications tower located within Ewing Park, and thus MidAmerican Energy Company has requested an underground electric easement (“Easement”) across and within said City-owned property in consideration of the utility service made available to the City of Des Moines, Iowa (“City”) therein; and

WHEREAS, said Easement is required in order to provide electrical service to the telecommunications tower within Ewing Park and the City’s Park and Recreation Department supports the granting of said Easement; and

WHEREAS, the City and the public will not be inconvenienced by the conveyance of said Easement to MidAmerican Energy Company; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1313, 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 September 9, 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 parkland located at 5550 SE 19th Street within Ewing Park in order to provide electrical service to a City-owned telecommunications tower located within Ewing Park, more specifically described below, in consideration of the utility service being provided to the City therein, and the conveyance of said underground electric easement is hereby approved:

Legal Description



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A 10-FOOT WIDE UNDERGROUND ELECTRIC LINE EASEMENT ACROSS A PART OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 27 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, GENERALLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, EASEMENT LOCATION TO BE 5 FEET ON EITHER SIDE OF ELECTRIC LINE AS CONSTRUCTED, AND SAID EASEMENT SHALL LIE TOTALLY WITHIN THE TOWER ACCESS AREA SHOWN ON SAID EXHIBIT "A".

3. The Mayor is authorized and directed to sign the underground electric easement 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 Gatto to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

RFW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GREY	✓			
BOESEN	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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