



Roll Call Number

20-1293

Agenda Item Number

65

Date August 5, 2020 reconvened from August 3, 2020

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC EASEMENT TO MIDAMERICAN ENERGY COMPANY ON CITY-OWNED PROPERTY AT 3226 UNIVERSITY AVENUE FOR \$1.00

WHEREAS, in a letter dated June 5, 2020, MidAmerican Energy Company requested of the City of Des Moines an underground electric easement (Easement) on City property located at 3226 University Avenue; and

WHEREAS, said Easement is needed in order to provide upgraded electrical service to the City-owned improvements on the property; and

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

WHEREAS, on July 13, 2020 by Roll Call No. 20-1108, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on August 3, 2020, at 5:00 p.m., in the MSC Board Room, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic public access to the meeting location; and

WHEREAS, due notice of said proposal to convey the Easement was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal, including how to participate telephonically or electronically, as applicable; 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, as follows:

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



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Energy Company, more specifically described below, across a portion of City property located at 3226 University Avenue, Des Moines, Iowa, in order to provide upgraded electrical service to the City-owned improvements on the property, 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

A part of Lots 3 and 4, Lyon's Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing as a point of reference at the SW Corner of the East 4.5 feet of the East 1/2, of said Lot 4; thence N00°00'33"E, 18.15 feet along the West line of said East 4.5 feet to the point of beginning; thence continuing N00°00'33"E along said West line, 182.29 feet to a point; thence S01°15'47"E, 112.61 feet to a point; thence S00°00'33"W, 64.75 feet to a point; thence S88°55'48"E, 34.07 feet to a point; thence N87°23'02"E, 47.89 feet to a point; thence N70°03'43"E, 18.77 feet to a point; thence N00°00'45"W, 102.42 feet to a point; thence S89°55'26"W, 3.50 feet to a point; thence N00°00'45"W, 9.50 feet to a point; thence N89°55'26"E, 8.50 feet to a point; thence S00°00'45"E, 110.11 feet to a point; thence N70°03'43"E, 2.17 feet to a point on the east line of the West 1/2 of Lot 3, in said Lyon's Park; thence S00°00'31"E, 13.20 feet to a point on the north line of the South 20.0 feet of the West 1/2 of said Lot 3; thence S89°38'44"W, 75.04 feet along said north line to a point; thence S00°08'36"W, 2.43 feet to a point; thence N88°55'48"W, 34.05 feet to the point of beginning. Said easement contains 1,450 square feet, more or less.

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 said 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:

/s/

Lisa A. Wieland, Assistant City Attorney

RW

CERTIFICATE

I, P. KAY CMELIK, 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.

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

J. M. Franklin Cownie Mayor

P. Kay Cmelik

City Clerk