



**Roll Call Number**

21-1817

**Agenda Item Number**

28

**Date** December 6, 2021

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY IN PROPERTY LOCATED SOUTH OF AND ADJOINING OBSERVATORY ROAD TO DES MOINES WATER WORKS FOR \$1.00**

**WHEREAS**, on November 1, 2021, by Roll Call No. 16-1649, the City Council of the City of Des Moines voted to authorize the acquisition of the necessary property interests for the Observatory Road Reconstruction from Polk Boulevard West to Parking Lot Project which project includes the installation of a fire hydrant and related appurtenances; and

**WHEREAS**, in order to construct and maintain said fire hydrant, Des Moines Water Works has requested that the City convey a Permanent Easement for Water Main 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 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**, the City will not be inconvenienced by the conveyance of a Permanent Easement for Water Main Right-of-Way in City property located south of and adjoining Observatory Road.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Water Main Right-of-Way in property located south of and adjoining Observatory Road 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 \$1.00 for the public purposes of constructing, reconstructing, repairing, enlarging, and maintaining a water main, together with necessary appurtenances thereto:

STRIP OF GROUND 20.00 FEET IN WIDTH OVER AND ACROSS THE NORTHWEST FRACTIONAL QUARTER, SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND CENTERED ON THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING 3 FEET EAST OF THE CENTER LINE OF SAID SECTION 1 AND 35 FEET SOUTH OF THE NORTH LINE OF LOT 21 OF THE OFFICIAL REPLAT OF THE OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 78, RANGE 25 WEST OF THE 5TH P.M., AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 86°(DEGREES) 15'(MINUTES) 00"(SECONDS) WEST ALONG THE LOCATED CENTERLINE OF AN EXISTING FEEDER MAIN THROUGH PARK PROPERTY, 92.00 FEET; THENCE SOUTH 0°11'40" WEST ALONG A LINE BEING PARALLEL WITH SAID CENTERLINE OF SECTION 1, A DISTANCE OF 15.04 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 30.00 FOOT WIDE FEEDER MAIN EASEMENT AS RECORDED IN THE RESOLUTION ADOPTED BY THE CITY OF DES MOINES, IOWA, UNDER ROLL CALL NUMBER 1955-3437 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°11'40" WEST, 36.54 FEET TO THE POINT OF TERMINUS. EASEMENT CONTAINING 731 SQUARE FEET.

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2. A public hearing shall be held on December 20, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 16, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the December 20, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There are no proceeds associated with this transaction.

Moved by *Gatto* to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
<b>TOTAL</b>	<b>7</b>			
MOTION CARRIED		APPROVED		
<i>M. Franklin Cownie</i> Mayor				

**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.

*P. Kay Cmelik*

City Clerk