

22-0320

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Date March 7, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST COUNTY LINE ROAD LOCATED NORTH OF AND ADJOINING 2351 EAST COUNTY LINE ROAD AND APPROVAL OF A LAND EXCHANGE AGREEMENT WITH IOWA POWER AND LIGHT COMPANY N/K/A MIDAMERICAN ENERGY COMPANY

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain East County Line Road right-of-way located north of and adjoining 2351 East County Line Road, Des Moines, Iowa (hereinafter “City Parcel”), more particularly described below; and

WHEREAS, Iowa Power & Light Company n/k/a MidAmerican Energy Company, an Iowa corporation, (“Seller”) is the owner of 2351 East County Line Road and 2300 East County Line Road, Des Moines, Iowa, (hereinafter collectively “Seller Parcel”), more particularly described below; and

WHEREAS, Iowa Power & Light Company n/k/a MidAmerican Energy Company, has offered to the City of Des Moines, Iowa, portions of the Seller Parcel in exchange for the City Parcel, both described below, in order to assemble said City Parcel with its adjoining property, subject to a reservation of easements therein, which represents an equitable exchange of value as determined by the City’s Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the vacation and conveyance of said City Parcel.

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 shall consider adoption of an ordinance permanently vacating a portion of East County Line Road, located north of and adjoining 2351 East County Line Road, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein:

City Parcel:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 55.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING; THENCE S59°21'37"W, A DISTANCE OF 58.72 FEET; THENCE N89°29'43"W, A DISTANCE OF 298.89 FEET; THENCE N67°36'44"W, A DISTANCE OF 94.35 FEET; THENCE SOUTHEASTERLY ALONG A 743.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 88.20 FEET, SAID CURVE HAVING A CHORD BEARING OF

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S86°09'12"E AND A CHORD LENGTH OF 88.15 FEET; THENCE S89°33'06"E, A DISTANCE OF 348.70 FEET TO THE POINT OF BEGINNING; CONTAINING 11,019 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa further proposes to exchange the vacated right-of-way described above for property of equal value owned by Iowa Power & Light Company n/k/a MidAmerican Energy Company, portions of 2351 East County Line Road and 2300 East County Line Road (collectively "Seller Parcel"), legally described below:

Seller Parcel:

PARCEL Z:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 55.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET; THENCE S59°21'37"W, A DISTANCE OF 58.72 FEET; THENCE N89°29'43"W, A DISTANCE OF 298.89 FEET; THENCE N67°36'44"W, A DISTANCE OF 94.35 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A 743.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 130.15 FEET, SAID CURVE HAVING A CHORD BEARING OF N77°44'23"W AND A CHORD LENGTH OF 129.99 FEET; THENCE S89°20'50"E, A DISTANCE OF 61.72 FEET; THENCE S67°36'44"E, A DISTANCE OF 70.63 FEET TO THE POINT OF BEGINNING; CONTAINING 1,054 SQUARE FEET.

PARCEL AA:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°05'58"E ALONG SAID EAST LINE, A DISTANCE OF 30.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY LINE ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N59°21'37"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 58.10 FEET; THENCE S89°23'27"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 326.65 FEET TO THE POINT OF BEGINNING; CONTAINING 10,573 SQUARE FEET.

PARCEL 2021-202:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°22'55"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST

★ **Roll Call Number**

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QUARTER OF SAID SECTION 36, A DISTANCE OF 326.30 FEET; THENCE N70°25'21"W, A DISTANCE OF 15.13 FEET; THENCE S89°33'06"E, A DISTANCE OF 14.63 FEET; THENCE S89°23'27"E, A DISTANCE OF 326.01 FEET; THENCE S01°02'48"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1,656 SQUARE FEET.

3. That the meeting of the City Council at which the adoption of said ordinance and the proposed land exchange agreement is to be considered shall be on March 21, 2022, 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. March 17, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the March 21, 2022 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.

4. 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.

5. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|-------------------------------------|------|----------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| SHEUMAKER | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | APPROVED | | |
| <u>T. M. Frankhu Cowme</u> 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