



Roll Call Number

22-1409

Agenda Item Number

29

Date September 12, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EASEMENTS FOR UNDERGROUND ELECTRIC LINES IN PORTIONS OF GREENWOOD PARK TO MIDAMERICAN ENERGY COMPANY FOR \$17,505

WHEREAS, the City of Des Moines is the owner of certain parkland located in Greenwood Park, 4700 Grand Avenue, Des Moines, Iowa ("Property"); and

WHEREAS, MidAmerican Energy Company ("MEC") has requested permanent easements at the north end and at the south end of 45th Street, and along the eastern boundary of Greenwood Park in order to underground the existing overhead electric lines; and

WHEREAS, permanent easements are required only in those locations where the underground electric lines are outside of the existing 45th Street right-of-way; and

WHEREAS, there is no known current or future public need or benefit for the property interests proposed to be conveyed, and the City will not be inconvenienced by the conveyance of three Easements for Underground Electric Lines in the three portions of Greenwood Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The City Council of the City of Des Moines, Iowa, proposes to convey an Easement for Underground Electric Lines in three separate portions of Greenwood Park, as legally described below, to MidAmerican Energy Company, for \$17,505.00:

A TRACT OF LAND IN THE W 1/2, NE 1/4 OF SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE WITH THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°42'24"E, 109.95 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE S04°42'24"E, 185.56 FEET ALONG SAID WEST LINE TO A POINT; THENCE N07°22'08"W, 106.50 FEET TO A POINT; THENCE N04°46'53"W, 79.48 FEET TO A POINT; THENCE N10°04'45"W, 113.62 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE; THENCE EASTERLY ALONG SAID SOUTH LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF S81°36'13"E, A CHORD LENGTH OF 5.27, AN ARC LENGTH OF 5.27 FEET TO A POINT; THENCE S10°04'45"E, 112.72 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 1225 SQUARE FEET, MORE OR LESS.

AND



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A TRACT OF LAND IN THE W 1/2, NE 1/4 OF SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE OF THE INTERSECTION OF THE EAST LINE OF SAID W 1/2, NE 1/4 WITH THE SOUTH LINE OF GREENWOOD DRIVE; THENCE N89°44'58"W, 30.38 FEET ALONG SAID SOUTH LINE TO THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE N04°47'02"E, 25.54 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE N77°32'20"W, 27.39 FEET TO A POINT; THENCE N34°35'09"E, 16.17 FEET TO A POINT; THENCE N53°16'26"W, 2.05 FEET TO A POINT; THENCE N36°43'34"W, 2.50 FEET TO A POINT; THENCE N53°16'26"W, 40.21 FEET TO A POINT; THENCE N33°58'19"E, 47.38 FEET TO A POINT; THENCE N27°31'55"E, 26.25 FEET TO A POINT; THENCE N21°59'09"E, 24.03 FEET TO A POINT; THENCE N14°58'29"E, 28.98 FEET TO A POINT; THENCE N12°45'02"E, 58.82 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°47'02"W, 36.08 FEET ALONG SAID WEST LINE TO A POINT; THENCE S12°45'02"W, 23.19 FEET TO A POINT; THENCE S14°58'29"W, 29.39 FEET TO A POINT; THENCE S21°59'09"W, 24.58 FEET TO A POINT; THENCE S27°31'55"W, 26.77 FEET TO A POINT; THENCE S33°58'19"W, 42.90 FEET TO A POINT; THENCE S53°16'26"E, 35.44 FEET TO A POINT; THENCE N36°43'34"E, 2.50 FEET TO A POINT; THENCE S53°16'26"E, 6.42 FEET TO A POINT; THENCE S33°02'58"W, 10.02 FEET TO A POINT; THENCE S34°36'37"W, 8.55 FEET TO A POINT; THENCE S77°32'20"E, 19.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°47'02"W, 5.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 1,265 SQUARE FEET, MORE OR LESS.

AND

THE EAST 10.0 FEET OF THE W 1/2, NE 1/4 AND THE EAST 10.0 FEET OF THE W 1/2, SE 1/4, IN SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY IOWA, ALL LYING NORTH OF PARCEL 2020-146 AS RECORDED IN BOOK 18255, PAGE 485 OF THE POLK COUNTY RECORDER'S OFFICE AND WEST OF AND ADJACENT TO THE WEST LINES OF LOT 12, MENNIG PLACE PLAT 2 AND LOTS 10 THROUGH 33, LINDEN HEIGHTS, BOTH OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID EASEMENT CONTAINS 0.69 ACRES (30,024 SQUARE FEET,) MORE OR LESS.

2. A public hearing shall be held on October 3, 2022, 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. September 29, 2022



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(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 October 3, 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.

- 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. Proceeds from the sale of these easements will be deposited into the Parks and Recreation Capital Projects fund C040, Park Infrastructure project PK175.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

CERTIFICATE

I, Laura L. Baumgartner, 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.

Laura Baumgartner
Laura L. Baumgartner, City Clerk

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes signature of T. M. Frankin Cownie, Mayor.