



**Roll Call Number**

22-1463

**Agenda Item Number**

66

**Date** September 12, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN EASEMENT FOR AN EXISITING GAS AND REGULATOR STATION ON CITY PROPERTY LOCATED AT 106 SOUTHEAST 1<sup>ST</sup> STREET TO MIDAMERICAN ENERGY COMPANY**

**WHEREAS**, the City of Des Moines is the owner of property located at 106 Southeast 1<sup>st</sup> Street, Des Moines, Iowa (“Property”); and

**WHEREAS**, MidAmerican Energy Company (“MEC”) has requested a Gas and Regulator Station Easement at the north end of the City parcel at 106 Southeast 1<sup>st</sup> Street in order to construct, attach, reconstruct, operate, maintain, replace or remove line(s) and facilities for the transportation of natural gas; and

**WHEREAS**, there is no known current or future public need or benefit for the property interest proposed to be conveyed, and the City will not be inconvenienced by the conveyance of Gas and Regulator Station Easement to MidAmerican Energy Company; and

**WHEREAS**, on August 22, 2022 by Roll Call No. 22-1326, 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 September 12, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to convey the Gas and Regulator Station Easement 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a Gas and Regulator Station Easement at the north end of the City parcel at 106 Southeast 1<sup>st</sup> Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property interests proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a Gas and Regulator Station Easement in City property located at 106 Southeast 1<sup>st</sup> Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

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The North Fifteen (15) feet of the East Fifteen (15) feet of Lot 7, Block T in Scott and Dean's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

- The Mayor is authorized and directed to sign the Gas and Regulator Station Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
- Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Gas and Regulator Station 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.
- The Real Estate Division Manager is authorized and directed to forward the original of Gas and Regulator Station 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.
- Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Gas and Regulator Station Easement and copies of the other documents to the grantee.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>J. M. Frankin Cownie</u> Mayor				

CERTIFICATE

I, Laura 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 Baumgartner, City Clerk