



Roll Call Number

23-0586

Agenda Item Number

26

Date April 24, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT AND A TEMPORARY ELECTRIC LINE EASEMENT IN PORTIONS OF BIRDLAND PARK TO MIDAMERICAN ENERGY COMPANY FOR THE BIRDLAND PUMP STATION REPLACEMENT PROJECT

WHEREAS, on March 7, 2022 by Roll Call No. 22-0360, the City Council of the City of Des Moines passed Ordinance No. 16,108 vacating a portion of Birdland Park lying south of and adjoining 1900 Saylor Road, Des Moines, Iowa (“Property”) and approved the conveyance of said vacated parkland to Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) for the construction of a wastewater pump station and related conveyance facilities including a force main sanitary sewer and all related appurtenances thereto that will replace the existing City of Des Moines’ Birdland Pump Station; and

WHEREAS, upon completion of construction of the replacement pump station, the City will transfer ownership of the Property to the WRA along with all related conveyance facilities including the force main sanitary sewer and all related appurtenances; and

WHEREAS, MidAmerican Energy Company (“MEC”) has requested a permanent underground electric line easement in a portion of Birdland Park, and a permanent underground electric line easement and temporary electric line easement in portions of the vacated Birdland Park in order to provide electrical service to the replacement pump station and associated facilities; 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 two permanent Underground Electric Easements and one temporary Underground Electric Easement in portions of Birdland Park and vacated Birdland 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 two permanent Underground Electric Easements and one temporary Underground Electric Easement in portions of Birdland Park and vacated Birdland Park, as legally described below, to MidAmerican Energy Company:

Permanent Electric Easement PE-1

A 5 foot wide strip of land for easement purposes over that part of Lot 7 in Thompson Estates, being a subdivision of part of Sections 26, 27, 28, 34, 35 & 36, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat dated 1866 and recorded in Book A Page 192, described as follows:



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Commencing at the most Northerly corner of a parcel of land per Plat of Survey, recorded January 25, 2022 in Book 18962 Page 20; thence Northerly along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 being a curve to the right having a radius of 593.00 feet, a chord bearing of North 21 degrees 37 minutes 09 seconds West and a chord length of 16.39 feet, for an arc length of 16.39 feet to a non-tangent point and the Point of Beginning; thence South 72 degrees 30 minutes 18 seconds West, 25.85 feet; thence South 28 degrees 58 minutes 59 seconds West, 159.84 feet; thence South 05 degrees 53 minutes 21 seconds East, 11.31 feet; thence South 04 degrees 26 minutes 42 seconds East, 13.15 feet; thence South 85 degrees 33 minutes 18 seconds West, 5.00 feet; thence North 04 degrees 26 minutes 42 seconds West, 13.09 feet; thence North 05 degrees 53 minutes 21 seconds West, 12.82 feet; thence North 28 degrees 58 minutes 59 seconds East, 163.40 feet; thence North 72 degrees 30 minutes 18 seconds East, 27.57 feet to said Westerly Right of Way line of Saylor Road and a non-tangent curve; thence Southerly along said Westerly Right of Way line being a curve to the left having a radius of 593.00 feet, a chord bearing of South 20 degrees 35 minutes 08 seconds East and a chord length of 5.01 feet, for an arc length of 5.01 feet to the Point of Beginning, in and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,068 square feet more or less.

Permanent Electric Easement PE-2

A 10 foot wide strip of land for easement purposes over that part of the Plat of Survey in part of Lot 7 in Thompson Estates, being part of the Northwest Quarter of Section 35, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat recorded January 25, 2022 in Book 18962 Page 20, described as follows:

Commencing at the most Northerly corner of a parcel of land per Plat of Survey, recorded January 25, 2022 in Book 18962 Page 20; thence Southerly along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 being a curve to the left having a radius of 593.00 feet, a chord bearing of South 24 degrees 57 minutes 46 seconds East and chord length of 52.80 feet, for an arc length of 52.82 feet to the Point of Beginning; thence continuing along said Westerly Right of Way line being a curve to the left having a radius of 593.00 feet, a chord bearing of South 27 degrees 46 minutes 54 seconds East and a chord length of 5.53 feet, for an arc length of 5.53 feet to a point of tangency; thence continuing along said Westerly Right of Way line South 28 degrees 02 minutes 56 seconds East, 7.15 feet; thence South 24 degrees 07 minutes 45 seconds West, 14.06 feet; thence South 29 degrees 44 minutes 52 seconds East, 27.88 feet; thence South 60 degrees 15 minutes 08 seconds West, 2.00 feet; thence South 29 degrees 44 minutes 52 seconds East, 93.76 feet; thence South 60 degrees 15 minutes 20 seconds West, 18.00 feet; thence North 29 degrees 44 minutes 42 seconds West, 14.67 feet; thence North 60 degrees 15 minutes 19 seconds East, 8.00 feet; thence North 29 degrees 44 minutes 52 seconds West, 79.09 feet; thence North 60 degrees 15 minutes 08 seconds East, 2.00 feet; thence North 29 degrees 44 minutes 52 seconds West, 32.97 feet; thence North 24 degrees 07 minutes 45 seconds East, 26.94



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feet to the Point of Beginning, in and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,564 square feet more or less.

Description of Temporary Electric Easement TE-1

A 10 foot wide strip of land for easement purposes over that part of the Plat of Survey in part of Lot 7 in Thompson Estates, being part of the Northwest Quarter of Section 35, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat recorded January 25, 2022 in Book 18962 Page 20, described as follows:

Commencing at the Southeast corner of said Plat of Survey; thence North 34 degrees 37 minutes 02 seconds West, 5.54 feet along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 to a point of curvature; thence Northerly along said Westerly Right of Way line being a curve to the right having a radius of 523.00 feet, a chord bearing of North 31 degrees 19 minutes 59 seconds West and a chord length of 59.93 feet, for an arc length of 59.96 feet to a point of tangency; thence North 28 degrees 02 minutes 56 seconds West along said Westerly Right of Way line, 22.03 feet to the Point of Beginning; thence South 63 degrees 48 minutes 47 seconds West, 8.95 feet; thence North 88 degrees 01 minutes 11 seconds West, 16.90 feet; thence South 56 degrees 15 minutes 42 seconds West, 59.84 feet; thence North 38 degrees 06 minutes 50 seconds West, 18.81 feet; thence North 27 degrees 36 minutes 46 seconds West, 18.01 feet; thence North 62 degrees 23 minutes 14 seconds East, 10.00 feet; thence South 27 degrees 36 minutes 46 seconds East, 17.09 feet; thence South 38 degrees 06 minutes 50 seconds East, 8.63 feet; thence North 56 degrees 15 minutes 42 seconds East, 53.80 feet; thence South 88 degrees 01 minutes 11 seconds East, 17.61 feet; thence North 63 degrees 48 minutes 47 seconds East, 6.12 feet to said Westerly Right of Way line of Saylor Road; thence South 28 degrees 02 minutes 56 seconds East along said Westerly Right of Way line, 10.01 feet to the Point of Beginning, in and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,129 square feet more or less.

2. A public hearing shall be held on May 8, 2023, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

Please check the posted agenda in advance of the May 8, 2023 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.



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4. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Franklin Cownie Mayor

Laura L. Baumgartner, City Clerk