



Roll Call Number

23-0856

Agenda Item Number

51

Date June 12, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT IN CITY PROPERTY LOCATED AT 1553 MAURY STREET TO MIDAMERICAN ENERGY COMPANY FOR THE NEW CITY OF DES MOINES GREENHOUSE PROJECT

WHEREAS, the City of Des Moines is the owner of property located at 1553 Maury Street, Des Moines, Iowa (“Property”) upon which the City is constructing a new greenhouse facility; and

WHEREAS, MidAmerican Energy Company (“MEC”) has requested a permanent underground electric easement across a portion of the Property, more particularly described below, in order to provide electric service to the greenhouse facility; 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 a permanent Underground Electric Easement in said portion of the Property; and

WHEREAS, on May 22, 2023 by Roll Call No. 23-0721, 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 June 12, 2023, 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 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 permanent Underground Electric Easement in a portion of City property located at 1553 Maury Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property interest proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a permanent Underground Electric Easement in a portion of City property located at 1553 Maury Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

A PART OF LOTS 11 THRU 15, GRAY'S SUB-DIVISION OF BLOCK 61 OF BROOKS & COS ADDITION TO DES MOINES, IOWA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING



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A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

A STRIP OF LAND 10.00 FEET IN WIDE, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15; THENCE SOUTH 89°(DEGREES) 43'(MINUTES) 33"(SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 15, A DISTANCE OF 10.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 4°37'46" WEST, 38.44 FEET; THENCE SOUTH 89°38'54" WEST, 133.80 FEET; THENCE SOUTH 0°28'08" EAST, 70.65 FEET TO THE POINT OF TERMINUS AND CONTAINING 2429 SQUARE FEET.

3. The Mayor is authorized and directed to sign the Underground Electric Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Underground Electric 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 document to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Underground Electric 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 said document to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Underground Electric Easement and copies of the other documents to the Grantee.
7. There are no proceeds associated with this transaction.



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Moved by Gatto to adopt. Second by Voss

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. Includes signature of J. M. Franklin Cownie, Mayor.

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 L. Baumgartner, City Clerk