

★ Roll Call Number

23-1557

Agenda Item Number

39

Date November 6, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES IN CITY PROPERTY LOCATED SOUTH OF THE DES MOINES RIVER AND NORTH OF HARTFORD AVENUE, BETWEEN SOUTHEAST 1ST STREET AND SOUTHEAST 22ND STREET TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) has requested a Permanent Easement for Sanitary Sewer Facilities (hereinafter “Easement”), as legally described below, in a portions of City property located south of the Des Moines River and north of Hartford Avenue, between Southeast 1st Street and Southeast 22nd Street, Des Moines, Iowa (hereinafter “Property”) for the purpose of constructing, operating, maintaining, repairing, reconstructing and enlarging existing and newly constructed sanitary sewers and necessary appurtenances situated therein; and

WHEREAS, the City has no known current or anticipated public need for the Property interest proposed to be conveyed, and the City will not be inconvenienced by reason of the conveyance of said Permanent Easement for Sanitary Sewer Facilities therein; and

WHEREAS, on October 23, 2023 by Roll Call No. 23-1424, 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 November 6, 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 Property interests 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 Easement for Sanitary Sewer Facilities in portions of City property located south of the Des Moines River and north of Hartford Avenue, between Southeast 1st Street and Southeast 22nd Street, Des Moines, Iowa, Des Moines, Iowa, 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 Permanent Easement for Sanitary Sewer Facilities in portions of City property located south of the Des Moines River and north of Hartford Avenue, between Southeast 1st Street and Southeast 22nd Street, Des Moines, Iowa, legally



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A PART OF SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT AND A PART OF FIRST ADDITION TO SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT ALSO BEING IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 11; THENCE SOUTH 0°50'21" WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1080.56 FEET; THENCE SOUTH 89°09'39" EAST, 64.67 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 14TH STREET AND TO THE POINT OF BEGINNING; THENCE SOUTH 82°16'07" EAST, 51.22 FEET; THENCE SOUTH 82°19'56" EAST, 554.69 FEET; THENCE SOUTH 83°57'54" EAST, 588.44 FEET; THENCE SOUTH 70°30'07" EAST, 264.60 FEET; THENCE NORTH 89°48'10" WEST, 51.05 FEET; THENCE SOUTH 0°48'27" WEST, 13.86 FEET; THENCE NORTH 70°30'07" WEST, 126.76 FEET; THENCE NORTH 0°42'39" EAST, 21.97 FEET; THENCE NORTH 89°48'08" WEST, 62.93 FEET; THENCE NORTH 70°30'07" WEST, 24.13 FEET; THENCE NORTH 83°57'54" WEST, 585.33 FEET; THENCE NORTH 82°19'56" WEST, 555.13 FEET; THENCE NORTH 82°16'07" WEST, 49.70 FEET TO SAID SOUTHEAST RIGHT-OF-WAY LINE; THENCE NORTH 04°47'09" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 30.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.96 ACRES (41,951 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;

AND,

A PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

SANITARY SEWER EASEMENT AREA (a)

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE SOUTH 0°50'21" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 1092.06 FEET; THENCE NORTH 89°09'39" WEST, 90.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 82°16'07" WEST, 133.92 FEET; THENCE NORTH 82°10'03" WEST, 795.52 FEET; THENCE NORTH 58°19'16" WEST, 103.60 FEET; THENCE SOUTH 89°40'00" EAST, 21.60 FEET; THENCE NORTH 0°15'51" WEST, 22.11 FEET; THENCE SOUTH 58°19'16" EAST, 90.51 FEET; THENCE SOUTH 82°10'03" EAST, 789.16 FEET; THENCE SOUTH 82°16'07" EAST, 130.25 FEET; THENCE SOUTH 0°48'32" WEST, 30.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.70 ACRES (30,406 S.F.).

SANITARY SEWER EASEMENT AREA (b)

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE SOUTH 0°50'21" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 903.73 FEET; THENCE NORTH 89°09'39" WEST, 1080.48 FEET TO THE POINT OF



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BEGINNING; THENCE NORTH 84°34'15" WEST, 67.83 FEET; THENCE NORTH 58°19'16" WEST, 65.56 FEET; THENCE NORTH 83°53'31" WEST, 490.85 FEET; THENCE NORTH 75°24'32" WEST, 848.30 FEET; THENCE NORTH 66°57'08" WEST, 436.40 FEET; THENCE NORTH 23°02'52" EAST, 2.50 FEET; THENCE NORTH 66°57'08" WEST, 94.99 FEET; THENCE SOUTH 23°14'38" WEST, 2.50 FEET; THENCE NORTH 66°45'22" WEST, 516.36 FEET; THENCE NORTH 51°59'51" WEST, 732.29 FEET; THENCE NORTH 32°14'18" WEST, 24.64 FEET; THENCE NORTH 58°01'21" EAST, 22.82 FEET; THENCE NORTH 31°58'37" WEST, 100.00 FEET; THENCE SOUTH 58°01'22" WEST, 23.28 FEET; THENCE NORTH 32°14'18" WEST, 99.13 FEET; THENCE NORTH 14°27'57" WEST, 12.52 FEET; THENCE NORTH 82°26'53" WEST, 177.86 FEET; THENCE SOUTH 07°33'07" WEST, 4.05 FEET; THENCE NORTH 78°26'37" WEST, 35.42 FEET; THENCE NORTH 07°33'07" EAST, 30.00 FEET; THENCE SOUTH 82°26'53" EAST, 205.63 FEET; THENCE NORTH 05°50'03" EAST, 36.18 FEET; THENCE SOUTH 84°09'57" EAST, 30.00 FEET; THENCE SOUTH 05°50'03" WEST, 43.04 FEET; THENCE SOUTH 14°27'57" EAST, 21.63 FEET; THENCE SOUTH 32°14'18" EAST, 213.85 FEET; THENCE SOUTH 51°59'51" EAST, 723.18 FEET; THENCE SOUTH 66°45'22" EAST, 512.47 FEET; THENCE SOUTH 23°14'38" WEST, 2.50 FEET; THENCE SOUTH 66°57'08" EAST, 94.91 FEET; THENCE NORTH 23°02'52" EAST, 2.50 FEET; THENCE SOUTH 66°57'08" EAST, 434.18 FEET; THENCE SOUTH 75°24'32" EAST, 843.86 FEET; THENCE SOUTH 83°53'31" EAST, 495.44 FEET; THENCE SOUTH 58°19'16" EAST, 133.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.49 ACRES (108,627 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;

AND,

A PART OF THE SOUTHWEST 1/4 OF SECTION 11, AND PART OF THE SOUTHEAST 1/4 OF SECTION 10, ALL IN TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 11; THENCE SOUTH 0°50'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11, A DISTANCE OF 1072.74 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 82°16'07" EAST, 45.33 FEET; THENCE SOUTH 0°50'21" WEST, 30.22 FEET; THENCE NORTH 82°16'07" WEST, 136.14 FEET; THENCE NORTH 0°48'32" EAST, 30.22 FEET; THENCE SOUTH 82°16'07" EAST, 90.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (4,084 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. The Mayor is authorized and directed to sign the Permanent Easement for Sanitary Sewer Facilities for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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4. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities, 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 the Permanent Easement for Sanitary Sewer Facilities to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities, 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Sanitary Sewer Facilities and copies of the other documents to the grantee.
7. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

J. M. Franke Cownie 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