



Roll Call Number

23-1640

Agenda Item Number

41

Date November 20, 2023

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR UNDERGROUND ELECTRIC LINES IN A PORTION OF COLUMBUS PARK TO MIDAMERICAN ENERGY COMPANY FOR \$2,200

WHEREAS, the City of Des Moines is the owner of certain parkland located in Columbus Park, 1921 SE 1st Street, Des Moines, Iowa (“Property”); and

WHEREAS, MidAmerican Energy Company has requested a permanent easement across a portion of Columbus Park property located outside of the right-of-way at the southeast corner of Southeast 1st Street and Indianola Avenue in order to relocate existing electric lines; and

WHEREAS, there is no known current or future public need for the property interests proposed to be conveyed, and the City will not be inconvenienced by the conveyance of an Easement for Underground Electric Lines in the portion of Columbus Park; and

WHEREAS, on November 6, 2023 by Roll Call No. 23-1539, 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 20, 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 Easement for Underground Electric Lines in a portion of Columbus Park, 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 Easement for Underground Electric Lines in a portion of Columbus Park, 1921 SE 1st Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, for \$2,200.00 and said conveyance is hereby approved:

A 10.00 FOOT WIDE ELECTRIC EASEMENT IN GEOPARCEL 7924-10-357-037 (PROPERTY KNOWN AS COLUMBUS PARK) THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:



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BEGINNING AT THE WESTERN MOST CORNER OF SAID COLUMBUS PARK, SAID POINT BEING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SE 1ST STREET AND THE EAST RIGHT-OF-WAY LINE OF INDIANOLA AVENUE AS THEY ARE PRESENTLY ESTABLISHED; THENCE N19°38'10"E, 11.94 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SE 1ST STREET TO A POINT; THENCE S37°13'8"E, 149.53 FEET TO A POINT; THENCE S52°46'52"W 10.00 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF INDIANOLA AVENUE; THENCE N37°13'08"W 143.00 FEET ALONG SAID EAST RIGHT-OF-WAY TO THE POINT OF BEGINNING.

3. The Mayor is authorized and directed to sign the Easement for Underground Electric Lines 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 Easement for Underground Electric Lines, 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Easement for Underground Electric Lines, 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 Easement for Underground Electric Lines and copies of the other documents to the Grantee.
7. Proceeds from the sale of these easements will be deposited into the Parks and Recreation Capital Projects fund C040, Park Infrastructure Project PK175.



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Moved by Mandelbaum to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, VOSS, WESTERGAARD, Coleman. Includes MOTION CARRIED Total 7 and APPROVED.

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 Baumgartner
Laura L. Baumgartner, City Clerk