



Roll Call Number

23-1762

Agenda Item Number

30

Date December 18, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR RELEASE AND REPLACEMENT 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 FACILITY

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, on June 12, 2023 by Roll Call No. 23-0856 the City Council of the City of Des Moines approved the conveyance of a permanent Underground Electric Easement in a portion of said Property to MidAmerican Energy Company, which easement was filed of record with the Polk County Recorder’s office on July 3, 2023 in Book 19527, Page 255; and

WHEREAS, sections of the underground electric line were constructed outside of the permanent easement area; and

WHEREAS, MidAmerican Energy Company (“MEC”) has requested that the above-referenced permanent Underground Electric Easement be released and replaced with a new permanent underground electric easement, legally described below, that accurately reflects the location of the underground electric line as built; 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 a permanent underground electric easement in said portion of the Property.

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 release the Underground Electric Easement referenced above and convey a new underground electric easement in a portion of the City property located at 1553 Maury Street, as legally described below, to MidAmerican Energy Company in order to provide electric service to the City greenhouse facility:

A PART OF LOTS 11 THRU 14, GRAY'S SUB-DIVISION OF BLOCK 61 OF BROOKS & COS ADDITION TO DES MOINES, IOWA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING 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:



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COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE NORTH 89°(DEGREES) 43'(MINUTES) 33"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 12.94 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 4°53'01" WEST, 35.91 FEET; THENCE NORTH 89°34'04" WEST, 110.30 FEET; THENCE SOUTH 0°28'08" EAST, 74.95 FEET AND CONTAINING 2212 SQUARE FEET.

- 2. A public hearing shall be held on January 8, 2024, 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.
- 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.
- 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Frankin 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