



Roll Call Number

24-0062

Agenda Item Number

33

Date January 8, 2024

HOLD 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; and

WHEREAS, on December 18, 2023 by Roll Call No. 23-1762, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed release and conveyance be set down for hearing on January 8, 2024, 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 release of easement and conveyance of a replacement Underground Electric Easement



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in a portion of City property located at 1553 Maury Street, as described herein, are hereby overruled and the hearing is closed.

2. The permanent Underground Electric Easement approved by City Council on June 12, 2023, by Roll Call No. 23-0856, and filed of record with the Polk County Recorder's office on July 3, 2023 in Book 19527, Page 255, is hereby released.
3. 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 replacement 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 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:

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.

4. The Mayor is authorized and directed to sign the Release of Easement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The Mayor is further 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.
6. The City Clerk is authorized and directed to forward the original of the Release of Easement and 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 documents to be recorded.
7. The Real Estate Division Manager is authorized and directed to forward the original of the Release of Easement and 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 documents to be recorded.



Roll Call Number

24-0062

Agenda Item Number

33

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8. Upon receipt of the recorded documents 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.

9. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Westergaard

APPROVED AS TO FORM:

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

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

MOTION CARRIED APPROVED

Connie Boeser 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