



Roll Call Number

24-D333

Agenda Item Number

24

Date March 4, 2024

SET HEARING FOR APPROVAL OF ENTERING INTO A WAIVER OF DISTANCE SEPARATION EASEMENT AGREEMENT WITH AND CONVEYING TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY A WAIVER OF DISTANCE SEPARATION EASEMENT AND ACKNOWLEDGEMENT BY DES MOINES AREA REGIONAL TRANSIT AUTHORITY ON PROPERTY LOCATED AT 3500 VANDALIA ROAD FOR \$1.00.

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 3500 Vandalia Road, Des Moines, Iowa; and

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority has requested the City enter into the Waiver of Distance Separation Easement Agreement (“Agreement”), granting the Waiver of Distance Separation Easement before conveying the property to Des Moines Area Regional Transit Authority (“DART”). DART has signed acknowledging the Waiver of Distance Separation Easement Agreement and being bound by the terms of the Agreement; and

WHEREAS, the Easement is being conveyed in accordance with Iowa Code §364.7(3) for \$1.00 and other good and valuable consideration.

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 enter into the Waiver of Distance Separation Easement Agreement with and conveying to the Des Moines Metropolitan Wastewater Reclamation Authority a Waiver of Distance Separation Easement with acknowledgement made by Des Moines Area Regional Transit Authority, on property located at 3500 Vandalia Road, for the consideration identified and legally described below:

Grantee: Des Moines Metropolitan Wastewater Reclamation Authority

Consideration: \$1.00

Legal Description: **-EXCEPT** EAST 20 FEET-, THE NORTH 229 FEET OF LOT 74, AND **-EXCEPT** EAST 20 FEET-, ALL OF LOTS 67 THROUGH 73, AND ALL OF LOTS 75 THROUGH 102, AND ALL OF VACATED LOTS “A” AND “B”, AND **-EXCEPT** THE EAST 45 FEET-, ALL OF VACATED LOT “D”, ALL IN VANDALIA ACRES PLAT NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 37.7 ACRES (1,642,149 SQUARE FEET).

2. A public hearing shall be held on March 18, 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.

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- 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 easement proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Voss.

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 Boesen 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