



Roll Call Number

24-0768

Agenda Item Number

41

Date May 20, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES AND QUITCLAIM OF INTEREST IN EXISTING SANITARY SEWER FACILITIES IN CITY PROPERTY LOCATED EAST OF SE 15<sup>TH</sup> STREET AND NORTH OF E. RAILROAD AVENUE FOR THE WRA NEW MAIN OUTFALL, PHASE 17, SEGMENTS 3 AND 4 PROJECT TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, in accordance with Article XV, Section 3 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”), the WRA has requested a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities (hereinafter “Easement”), as legally described below, in a portions of City property located east of SE 15<sup>th</sup> Street and north of E. Railroad Avenue, 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 for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project; and

**WHEREAS**, in accordance with Iowa Code 364.7(3), no consideration is required for the conveyance of said Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities; and

**WHEREAS**, the conveyance of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities will have no significant impact upon the public use of the City-owned property, and the City will not be inconvenienced by the conveyance of said Easement.

**WHEREAS**, on May 6, 2024, by Roll Call No. 24-0652, 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 May 20, 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 this 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 Sanitary Sewer Facilities and Quitclaim of



**Roll Call Number**

24-0968

**Agenda Item Number**

41

**Date** May 20, 2024

Interest in Existing Sanitary Sewer Facilities located east of SE 15<sup>th</sup> Street and north of E. Railroad Avenue, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

- There is no public need or benefit for the easement area described below, and the public would not be inconvenienced by reason of the conveyance to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities in portions of City property located east of SE 15<sup>th</sup> Street and north of E. Railroad Avenue, Des Moines, Iowa, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project:

A perpetual sanitary sewer easement located in the North 25.00 feet of vacated Railroad Avenue right-of-way lying South of and adjoining Lots 73 through 90, Gray's Sub-division of Block 61, Brooks and Co's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, and located in said Lots 73 through 90, more particularly described as follows:

The North 4.00 feet of that part of said North 25.00 feet of vacated Railroad Avenue lying South of and adjoining said Lots 73 through 90, Gray's Sub-division and the South 16.00 feet of said Lots 73 through 90, Gray's Sub-division, containing 14,241 square feet, more or less.

AND

A perpetual sanitary sewer easement located in the North 25.00 feet of vacated Railroad Avenue right-of-way lying South of and adjoining Lots 73 through 90, Gray's Sub-division of Block 61, Brooks and Co's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, and located in said Lots 73 through 90, more particularly described as follows:

All that part of said North 25.00 feet of vacated Railroad Avenue lying South of and adjoining said Lots 73 through 90, Gray's Sub-division, and the South 6.00 feet of said Lots 73 through 90, Gray's Sub-division, containing 22,071 square feet, more or less.

- That the conveyance by the City of Des Moines of said easement to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), for the public use and in accordance with Iowa Code Section 364.7(3), for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project, be and is hereby approved.
- The Mayor is authorized and directed to sign the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

★ Roll Call Number

24-07168

Agenda Item Number

41

Date May 20, 2024

- 5. The City Clerk is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing 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 documents to be recorded.
- 6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing 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.
- 7. 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 Quitclaim of Interest in Existing Sanitary Sewer Facilities and copies of the other documents to the grantee.
- 8. There are no proceeds associated with the conveyance of this easement.

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	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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