

★ Roll Call Number

24-0769

Agenda Item Number

42

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 IN BIRDLAND PARK FOR THE WRA EASTSIDE INTERCEPTOR, PHASE 27, SEGMENTS 6 AND 7 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 in Birdland Park, 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 Eastside Interceptor, Phase 27, Segments 6 and 7 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; and

WHEREAS, on May 6, 2024 by Roll Call No. 24-0653, 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 Interest in Existing Sanitary Sewer Facilities in portions of Birdland Park, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

- 2. 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 in Birdland Park, Des Moines, Iowa, as legally described below, for public use in accordance with Iowa Code Section 364.7(3) for the WRA Eastside Interceptor, Phase 27, Segments 6 and 7 Project:

PE-1a

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS A PORTION OF THE EAST JEFFERSON AVENUE RIGHT OF WAY AS IT IS PRESENTLY ESTABLISHED, SAID RIGHT OF WAY ALSO BEING A PART OF SA AND MF KINGMAN'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, AND A PART OF CORRECTED PLAT OF WASHINGTON HEIGHTS IN CAPITAL PARK, AN OFFICIAL PLAT, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 26 IN SAID SA AND MF KINGMAN'S ADDITION TO THE CITY OF DES MOINES; THENCE S00°00'00"E, A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID EAST JEFFERSON AVENUE; THENCE S89°40'07"W ALONG SAID SOUTH RIGHT OF WAY LINE , A DISTANCE OF 316.95 FEET TO THE EAST LINE OF LOT 22 IN SAID CORRECTED PLAT OF WASHINGTON HEIGHTS IN CAPITAL PARK; THENCE N00°03'13"E ALONG THE EAST LINE OF LOTS 22 AND 104 IN SAID CORRECTED PLAT OF WASHINGTON HEIGHTS IN CAPITAL PARK, A DISTANCE OF 40.00 FEET; THENCE N89°46'44"W, A DISTANCE OF 4.06 FEET; THENCE N00°09'27"W, A DISTANCE OF 10.00 FEET; THENCE N89°40'33"E, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.36 ACRES (15,910 SQUARE FEET)

PE-1b

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS ALL OF LOT 104 OF THE CORRECTED PLAT OF WASHINGTON HEIGHTS IN CAPITAL PARK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.

SAID TRACT CONTAINS 0.13 ACRES (5,536 SQUARE FEET)

PE-1c

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS LOT 7 THOMPSON ESTATE SECTION 35, ALL IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S00°03'49"E ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1936.09 FEET; THENCE N89°56'11"E, A DISTANCE OF 32.45 FEET TO THE EAST RIGHT OF WAY LINE OF SAYLOR ROAD AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE S49°40'31"E, A DISTANCE OF 48.39 FEET; THENCE N89°36'55"E, A DISTANCE OF 552.53 FEET; THENCE S00°09'27"E, A DISTANCE OF 30.56 FEET TO THE NORTH LINE OF LOT 104 IN THE CORRECTED PLAT OF WASHINGTON HEIGHTS IN CAPITAL PARK, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; THENCE S89°40'40"W ALONG THE NORTH LINE OF SAID LOT 104, A DISTANCE OF 549.38 FEET TO THE EAST RIGHT OF WAY LINE OF SAID SAYLOR ROAD; THENCE N34°46'00"W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 44.63 FEET; THENCE N30°47'12"W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 28.63 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.39 ACRES (17,226 SQUARE FEET)

PE-1d

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS THE SAYLOR ROAD RIGHT OF WAY WITHIN THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S00°03'49"E ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1908.87 FEET TO THE POINT OF BEGINNING; THENCE S50°04'36"E, A DISTANCE OF 42.36 FEET TO THE EAST RIGHT OF WAY LINE OF SAYLOR ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE S30°47'12"E ALONG THE EAST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 28.63 FEET; THENCE S34°46'00"E ALONG THE EAST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 44.63 FEET; THENCE S89°41'05"W ALONG THE EAST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 3.64 FEET; THENCE S34°45'58"E ALONG THE EAST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 25.96 FEET; THENCE N49°44'02"W, A DISTANCE OF 197.65 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SAYLOR ROAD; THENCE N28°27'43"W ALONG THE WEST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 158.67 FEET; THENCE N25°56'03"W ALONG THE WEST RIGHT OF WAY LINE OF SAID SAYLOR ROAD, A DISTANCE OF 54.44 FEET; THENCE N20°52'40"W ALONG THE WEST RIGHT OF WAY LINE OF SAID SAYLOR

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

ROAD, A DISTANCE OF 30.24 FEET; THENCE S33°02'30"E, A DISTANCE OF 66.77 FEET; THENCE S29°59'10"E, A DISTANCE OF 135.79 FEET; THENCE S50°04'36"E, A DISTANCE OF 95.18 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.17 ACRES (7,491 SQUARE FEET)

PE-1e

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS BLOCK 11 IN OLD ORCHARD BEACH, AN OFFICIAL PLAT, AND LOT 7 THOMPSON ESTATE SECTION 35 , ALL IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S00°03'49"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 1920.68 FEET; THENCE S89°56'11"W, A DISTANCE OF 50.91 FEET TO THE WEST RIGHT OF WAY LINE OF SAYLOR ROAD AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE N89°03'57"W, A DISTANCE OF 14.78 FEET; THENCE N29°59'10"W, A DISTANCE OF 201.63 FEET; THENCE N33°23'03"W, A DISTANCE OF 77.24 FEET; THENCE N20°09'24"W, A DISTANCE OF 71.68 FEET; THENCE N14°43'29"W, A DISTANCE OF 256.89 FEET; THENCE N27°39'51"W, A DISTANCE OF 208.15 FEET; THENCE N75°41'03"W, A DISTANCE OF 61.76 FEET; THENCE S59°18'57"W, A DISTANCE OF 301.11 FEET; THENCE NORTHWESTERLY ALONG A 632.50 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A DISTANCE OF 512.51 FEET, SAID CURVE HAVING A CHORD BEARING OF N75°43'09"W AND A CHORD LENGTH OF 498.61 FEET; THENCE N03°40'58"W, A DISTANCE OF 37.24 FEET; THENCE S48°40'58"E, A DISTANCE OF 31.90 FEET; THENCE S59°11'20"E, A DISTANCE OF 91.14 FEET; THENCE S53°25'59"E, A DISTANCE OF 25.66 FEET; THENCE S75°05'14"E, A DISTANCE OF 35.94 FEET; THENCE SOUTHEASTERLY ALONG A 602.50 FOOT RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 324.02 FEET, SAID CURVE HAVING A CHORD BEARING OF S82°59'04"E AND A CHORD LENGTH OF 320.13 FEET; THENCE N59°18'57"E, A DISTANCE OF 307.70 FEET; THENCE S75°41'03"E, A DISTANCE OF 87.55 FEET; THENCE S27°39'51"E, A DISTANCE OF 224.92 FEET; THENCE S14°44'47"E, A DISTANCE OF 259.90 FEET; THENCE S20°09'24"E, A DISTANCE OF 65.24 FEET; THENCE S35°16'00"E, A DISTANCE OF 8.48 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SAYLOR ROAD; THENCE S20°52'40"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.24 FEET; THENCE S25°56'03"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 54.44 FEET; THENCE S28°27'43"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 192.59 FEET TO THE POINT OF BEGINNING.

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

SAID TRACT CONTAINS 1.10 ACRES (47,844 SQUARE FEET)

PE-1f

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS BLOCKS 7, 9, 10, AND 11 IN OLD ORCHARD BEACH, AN OFFICIAL PLAT, AND INCLUDING RIVER ACCRETIONS, ALL IN SECTION 35, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S00°18'42"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 318.53 FEET; THENCE N89°41'18"E, A DISTANCE OF 54.43 FEET TO THE EAST RIGHT OF WAY LINE OF 2ND AVENUE AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE S82°32'54"E, A DISTANCE OF 31.51 FEET; THENCE S79°14'18"E, A DISTANCE OF 69.84 FEET; THENCE S77°31'04"E, A DISTANCE OF 108.09 FEET; THENCE S73°42'30"E, A DISTANCE OF 113.40 FEET; THENCE S69°11'29"E, A DISTANCE OF 104.41 FEET; THENCE S66°34'29"E, A DISTANCE OF 105.01 FEET; THENCE S66°49'40"E, A DISTANCE OF 103.79 FEET; THENCE S66°47'36"E, A DISTANCE OF 104.10 FEET; THENCE S66°52'32"E, A DISTANCE OF 101.87 FEET; THENCE S65°58'49"E, A DISTANCE OF 129.61 FEET; THENCE S58°17'45"E, A DISTANCE OF 105.02 FEET; THENCE S49°27'28"E, A DISTANCE OF 106.17 FEET; THENCE S41°45'56"E, A DISTANCE OF 108.70 FEET; THENCE S40°46'32"E, A DISTANCE OF 102.90 FEET; THENCE S40°52'41"E, A DISTANCE OF 207.54 FEET; THENCE S48°27'44"E, A DISTANCE OF 76.21 FEET; THENCE S03°40'58"E, A DISTANCE OF 23.41 FEET; THENCE N48°40'58"W, A DISTANCE OF 93.94 FEET; THENCE N40°57'58"W, A DISTANCE OF 104.11 FEET; THENCE N40°47'27"W, A DISTANCE OF 104.65 FEET; THENCE N40°46'32"W, A DISTANCE OF 102.76 FEET; THENCE N41°45'56"W, A DISTANCE OF 107.33 FEET; THENCE N49°25'50"W, A DISTANCE OF 103.56 FEET; THENCE N58°17'45"W, A DISTANCE OF 102.41 FEET; THENCE N66°05'04"W, A DISTANCE OF 128.35 FEET; THENCE N66°52'32"W, A DISTANCE OF 101.74 FEET; THENCE N66°47'36"W, A DISTANCE OF 104.10 FEET; THENCE N66°49'40"W, A DISTANCE OF 103.83 FEET; THENCE N66°34'29"W, A DISTANCE OF 104.65 FEET; THENCE N69°03'54"W, A DISTANCE OF 103.18 FEET; THENCE N73°43'09"W, A DISTANCE OF 111.90 FEET; THENCE N77°31'04"W, A DISTANCE OF 107.22 FEET; THENCE N79°00'56"W, A DISTANCE OF 60.40 FEET; THENCE N80°57'45"W, A DISTANCE OF 21.42 FEET; THENCE N86°45'36"W, A DISTANCE OF 12.06 FEET TO THE EAST RIGHT OF WAY LINE OF SAID 2ND AVENUE; THENCE N14°32'28"W ALONG THE EAST RIGHT OF WAY LINE OF SAID 2ND AVENUE, A DISTANCE OF 19.05 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.65 ACRES (28,468 SQUARE FEET)

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

PE-1g

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS THE 2ND AVENUE RIGHT OF WAY WITHIN THE NORTHEAST QUARTER OF SECTION 34, AND WITHIN THE NORTHWEST QUARTER OF SECTION 35, ALL IN TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S00°18'42"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 334.22 FEET TO THE POINT OF BEGINNING; THENCE S83°56'35"E, A DISTANCE OF 24.62 FEET; THENCE N53°13'10"E, A DISTANCE OF 31.98 FEET; THENCE S82°32'54"E, A DISTANCE OF 4.28 FEET TO THE EAST RIGHT OF WAY LINE OF 2ND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S14°32'28"E ALONG THE EAST RIGHT OF WAY LINE OF SAID 2ND AVENUE, A DISTANCE OF 32.35 FEET; THENCE N82°32'54"W, A DISTANCE OF 4.21 FEET; THENCE S53°13'10"W, A DISTANCE OF 31.55 FEET; THENCE N83°56'46"W, A DISTANCE OF 80.39 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 2ND AVENUE; THENCE N14°32'28"E ALONG THE WEST RIGHT OF WAY LINE OF SAID 2ND AVENUE, A DISTANCE OF 30.33 FEET; THENCE S83°56'35"E, A DISTANCE OF 39.53 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.07 ACRES (3,248 SQUARE FEET)

PE-1h

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS LOT 1 OF THOMPSON ESTATE, SECTION 34, AN OFFICIAL PLAT AND OUTLOT B OF HOME PARK, AN OFFICIAL PLAT, ALL IN SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S00°18'42"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 329.84 FEET; THENCE S89°41'18"W, A DISTANCE OF 39.29 FEET TO THE WEST RIGHT OF WAY LINE OF 2ND AVENUE AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE S14°32'28"W ALONG THE WEST RIGHT OF WAY LINE OF SAID 2ND AVENUE, A DISTANCE OF 50.41 FEET; THENCE N84°14'05"W, A DISTANCE OF 57.81 FEET; THENCE N06°20'19"E, A DISTANCE OF 19.95 FEET; THENCE N84°08'59"W, A DISTANCE OF 34.33 FEET; THENCE N83°10'34"W, A DISTANCE OF 143.34 FEET; THENCE N83°44'19"W, A DISTANCE OF 208.66 FEET; THENCE N84°32'09"W, A

★ Roll Call Number

240769

Agenda Item Number

42

Date May 20, 2024

DISTANCE OF 143.09 FEET; THENCE N85°35'39"W, A DISTANCE OF 171.93 FEET; THENCE N85°38'22"W, A DISTANCE OF 186.31 FEET; THENCE N85°19'09"W, A DISTANCE OF 44.24 FEET; THENCE N82°23'04"W, A DISTANCE OF 55.56 FEET; THENCE N78°50'34"W, A DISTANCE OF 189.94 FEET; THENCE N77°30'48"W, A DISTANCE OF 13.59 FEET; THENCE S55°04'55"W, A DISTANCE OF 26.20 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE N00°04'30"E ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 6TH AVENUE, A DISTANCE OF 36.62 FEET; THENCE N55°04'55"E, A DISTANCE OF 18.37 FEET; THENCE S77°30'48"E, A DISTANCE OF 26.41 FEET; THENCE S78°50'34"E, A DISTANCE OF 188.66 FEET; THENCE S82°23'04"E, A DISTANCE OF 53.87 FEET; THENCE S85°19'09"E, DISTANCE OF 43.39 FEET; THENCE S85°38'22"E, A DISTANCE OF 186.22 FEET; THENCE S85°35'39"E, A DISTANCE OF 172.23 FEET; THENCE S84°32'09"E, DISTANCE OF 143.57 FEET; THENCE S83°44'19"E, A DISTANCE OF 209.02 FEET; THENCE S83°10'34"E, A DISTANCE OF 143.23 FEET; THENCE S84°08'59"E, A DISTANCE OF 89.26 FEET; THENCE S83°58'52"E, A DISTANCE OF 10.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.91 ACRES (39,612 SQUARE FEET)

PE-1j

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS THE 6TH AVENUE RIGHT OF WAY WITHIN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE N89°45'15"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1308.94 FEET TO THE EAST RIGHT OF WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S00°04'30"W ALONG THE EAST RIGHT OF WAY LINE OF SAID 6TH AVENUE, A DISTANCE OF 202.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°04'30"W ALONG THE EAST RIGHT OF WAY LINE OF SAID 6TH AVENUE, A DISTANCE OF 36.62 FEET; THENCE S55°04'55"W, A DISTANCE OF 23.96 FEET; THENCE N58°09'54"W, A DISTANCE OF 46.62 FEET; THENCE S82°02'53"E, A DISTANCE OF 18.86 FEET; THENCE N55°04'55"E, A DISTANCE OF 49.54 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.03 ACRES (1,280 SQUARE FEET)

AND

★ Roll Call Number

24-0769

Agenda Item Number

42

Date May 20, 2024

AN IRREGULAR SHAPED EASEMENT OVER, UNDER, AND ACROSS THE 6TH AVENUE RIGHT OF WAY WITHIN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE N89°45'15"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1308.94 FEET TO THE EAST RIGHT OF WAY LINE OF 6TH AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S00°04'30"W ALONG THE EAST RIGHT OF WAY LINE OF SAID 6TH AVENUE, A DISTANCE OF 202.26 FEET; THENCE S55°04'55"W, A DISTANCE OF 49.54 FEET; THENCE N82°02'53"W, A DISTANCE OF 32.86 FEET; THENCE N80°16'39"W, A DISTANCE OF 60.90 FEET TO THE POINT OF BEGINNING; THENCE S78°59'07"W, A DISTANCE OF 29.05 FEET TO THE WEST RIGHT OF WAY LINE OF SAID 6TH AVENUE; THENCE N13°31'31"E ALONG THE WEST RIGHT OF WAY LINE OF SAID 6TH AVENUE, A DISTANCE OF 10.31 FEET; THENCE S80°16'39"E, A DISTANCE OF 26.48 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.003 ACRES (136 SQUARE FEET)

3. 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 Eastside Interceptor, Phase 27, Segments 6 and 7 Project, be and is hereby approved.
4. 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.
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.

★ Roll Call Number

240769

Agenda Item Number

42

Date May 20, 2024

- 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 Westergaard to adopt. Second by Gatto.

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