



Roll Call Number

24-0998

Agenda Item Number

63

Date July 15, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY IN PROPERTY LOCATED AT 2704, 2706, 2714 AND 2718 GEORGE FLAGG PARKWAY TO DES MOINES WATER WORKS \$1.00**

**WHEREAS**, Des Moines Water Works has requested that the City convey a Permanent Easement for Water Main in property located at 2704, 2706, 2714 and 2718 George Flagg Parkway, Des Moines, Iowa, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa in accordance with Iowa Code Section 364.7(3) for the public purposes of constructing, reconstructing, repairing, enlarging, maintaining, accessing, and operating a water main, together with appurtenances thereto, both above and below ground, under, over, through and across said Property; and

**WHEREAS**, the City will not be inconvenienced by the conveyance of a Permanent Easement for Water Main Right-of-Way in City property located at 2704, 2706, 2714 and 2718 George Flagg Parkway; and

**WHEREAS**, on June 17, 2024, by Roll Call No. 240861, 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 July 15, 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 Permanent Easement for Water Main Right-of-Way 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 Water Main Right-of-Way in property located at 2704, 2706, 2714 and 2718 George Flagg Parkway, Des Moines, Iowa, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa for \$1.00, as described herein, are hereby overruled and the hearing is closed.

2. Such granting of easement shall be approved subject to a form acceptable to the Engineering and Legal Department of the City of Des Moines.



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3. The public would not be inconvenienced by reason of the conveyance of a Permanent Easement for Water Main Right-of-Way in property located at 2704, 2706, 2714 and 2718 George Flagg Parkway, Des Moines, Iowa, legally described as follows, to the City of Des Moines for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa for \$1.00 for the public purposes of constructing, reconstructing, repairing, enlarging, and maintaining a water main, together with necessary appurtenances thereto, and said conveyance is hereby approved.

A PART OF LOTS 1, 2, 3, 4 AND B, VALLEY GARDENS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 55°12'41" WEST, 316.27 FEET TO THE WEST LINE OF SAID LOT B; THENCE NORTH 0°09'50" WEST ALONG SAID WEST LINE, 152.88 FEET TO THE NORTHWEST CORNER OF SAID LOT B; THENCE NORTH 83°57'07" EAST ALONG THE NORTH LINE OF SAID LOT B, 1, 2, 3 AND 4, A DISTANCE OF 261.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.46 ACRES (19,895 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

4. The Mayor is authorized and directed to sign the Permanent Easement for Water Main Right-of-Way 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 Water Main Right-of-Way, 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.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Water Main Right-of-Way, 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 Water Main Right-of-Way and copies of the other documents to the grantee.

8. There are no proceeds associated with this transaction.



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Moved by Mandelbaum 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

Carl B. Jans

Mayor ProTem

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

City Clerk