



**Roll Call Number**

24-1464

**Agenda Item Number**

43

**Date** October 21, 2024

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC EASEMENT ON CITY PROPERTY AT 2100 SE 5<sup>TH</sup> STREET TO MIDAMERICAN ENERGY COMPANY TO PROVIDE ELECTRIC SERVICE TO STONE PARK**

**WHEREAS**, an underground electric transmission line is required for electric service for the City’s Stone Park facilities located at 2100 SE 5<sup>th</sup> Street, and thus MidAmerican Energy Company has requested an electric line easement across said City-owned property; and

**WHEREAS**, the City of Des Moines must grant the requested underground electric easement in order to provide electrical service to said Stone Park; and

**WHEREAS**, the City and the public will not be inconvenienced by the conveyance of the underground electric easement as requested by MidAmerican Energy Company; and

**WHEREAS**, on October 7, 2024, by Roll Call No. 24-1346, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the permanent Underground Electric Easement (“Easement”) be set for hearing on October 21, 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 conveyance of an Underground Electric Easement in a portion of City property located at 2100 SE 5<sup>th</sup> Street, as described herein, are hereby overruled and the hearing is closed.
2. 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 permanent Underground Electric Easement in a portion of City property located at 2100 SE 5<sup>th</sup> Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

A PART OF LOT 55, CRAWFORD PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:



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COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 55; THENCE SOUTH 0°(DEGREES) 00'(MINUTES) 39"(SECONDS) EAST ALONG THE EAST LINE OF SAID LOT, 3.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°00'39" EAST, 10.00 FEET TO A POINT BEING 13.50 FEET SOUTH OF THE NORTH LINE OF SAID LOT; THENCE NORTH 89°36'08" WEST ALONG A LINE BEING 13.50 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT, 140.0 FEET; THENCE SOUTH 0°00'39" EAST, 10.00 FEET; THENCE NORTH 89°36'08" WEST, 10.00 FEET; THENCE NORTH 0°00'39" WEST, 20.00 FEET TO A POINT BEING 3.50 FEET SOUTH OF AND PERPENDICULAR TO SAID NORTH LINE; THENCE SOUTH 89°36'08" EAST ALONG A LINE BEING 3.50 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE, 150.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1600 SQUARE FEET.

3. 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.
4. The City Clerk is authorized and directed to forward 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.
5. The Real Estate Division Manager is authorized and directed to forward 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.
6. 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.
7. There are no proceeds associated with the conveyance of this easement.

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Moved by Gatto to adopt. Second by Mendelbaum

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (7).

MOTION CARRIED APPROVED
Connie Boesen 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