

★ Roll Call Number

26-0456

Agenda Item Number

38

Date April 6, 2026

HOLD HEARING FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC EASEMENT ON CITY PROPERTY LOCATED AT 100 EAST SECOND STREET TO MIDAMERICAN ENERGY COMPANY FOR THE E. FIRST STREET IMPROVEMENTS FROM IOWA INTERSTATE RAILROAD TO E. COURT AVENUE PROJECT

WHEREAS, the City of Des Moines (“City”) is the owner of property located at 100 East Second Street, Des Moines, Iowa; and

WHEREAS, MidAmerican Energy Company (“MEC”) has requested a Permanent Underground Electric Easement (“Easement”) across a portion of the Property, more particularly described below, for underground and overhead electric lines as part of the E. First Street Improvements from Iowa Interstate Railroad to E. Court Avenue project; and

WHEREAS, there is no known current or future public need or benefit for the property interest proposed to be conveyed, and the City will not be inconvenienced by the conveyance of a Permanent Underground Electric Easement in said portion of the property.

WHEREAS, on March 23, 2026 by Roll Call No. 26-0370, 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 April 6, 2026, at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Property 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 Underground Electrical Easement across a portion of City owned property located at 100 East Second Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the property interest to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a Permanent Underground Electrical Easement across a portion of City owned property located at 100 East Second Street, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

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The South 20 Feet of the West 35 Feet of Said Block D, Scott and Dean's Addition, an Official Plat, and The South 5 Feet of Said Block D Except the West 35 Feet and Except the East 15 Feet, all now included in and forming a part of the City of Des Moines, Polk County, containing 280 feet.

3. The Mayor is authorized and directed to sign the Permanent 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 Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
5. The City Clerk is authorized and directed to forward the original of the Permanent 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent 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 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 Underground Electric Easement and copies of the other documents to the grantee.
8. There will be no proceeds associated with this transaction.

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Moved by Mandelbaum to adopt. Second by Gatto.

APPROVED AS TO FORM:

/s/ Grant Hyland
 Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>Connie Bosen</u>		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 City Clerk