



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date:

No.: 04-581

Agenda Item Type:

No.:

Communication

Roll Call

Submitted by: William G. Stowe, WRA Director

SUBJECT—

RESOLUTION AUTHORIZING CONVEYANCE OF THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION FACILITY, AND CERTAIN SANITARY INTERCEPTOR SEWERS, WASTEWATER DETENTION BASINS AND PUMPING STATIONS TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

SYNOPSIS—

In the past City of Des Moines acquired property for and constructed the Wastewater Reclamation facility, WRA sewers, WRA pumping stations and detention basins which are now being conveyed to the WRA as part of the 28E agreement for the reformation of the WRA. Those facilities have been operated as part of the WRA System for much of the last 15 years, and during that time the WRA Participating Communities have been paying on Des Moines' debt service for those facilities. The consideration for the conveyance of those facilities to the WRA is the mutual promises and agreements contained in the WRA Agreement, including the requirement that the WRA defease Des Moines' remaining debt for those facilities.

FISCAL IMPACT—

Approval of this authorization for conveyance is necessary for the WRA to sell bonds. Bonds will provide core improvements to the WRA facilities.

RECOMMENDATION—

Approval.

BACKGROUND—

In the past City of Des Moines acquired property for and constructed the Wastewater Reclamation Facility, WRA sewers, WRA pumping stations and detention basins which are now being conveyed to the WRA. Those facilities have been operated as part of the WRA System for much of the last 15 years, and during that time the WRA Participating Communities have been paying on Des Moines' debt service for those facilities. The consideration for the conveyance of those facilities to the WRA is the mutual promises and agreements contained in the WRA Agreement, including the requirement that the WRA defease Des Moines' remaining debt for those facilities.

Pursuant to Article VI, Section 1 of the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (WRA Agreement), approved and authorized for execution by this City Council on April 19, 2004 pursuant to Roll Call No. 04-844, the Des Moines Metropolitan Wastewater Reclamation Facility (WRF), acquired by and held in the name of the City of Des Moines, and the existing wastewater conveyance facilities (interceptor sewers, wastewater detention basins and pumping stations) described in Exhibit 1 to said Agreement, acquired by and held in the name of the cities of Des Moines, West Des Moines, Clive, Urbandale, Windsor Heights, Altoona, Pleasant Hill, the Urbandale Sanitary Sewer District, the Urbandale / Windsor Heights Sanitary District, and Polk and Warren Counties, shall be deemed transferred to the WRA upon the date the WRA issues bonds to defease bonds issued by the City of Des Moines for the construction or improvement of such facilities; and

The WRA Agreement further provides that upon request of the WRA Board, the City of Des Moines and other Participating Communities shall transfer to the WRA the legal titles to the WRF and to the wastewater conveyance facilities described in Exhibit 1 by quit claim deed, bill of sale or other instrument of title as requested by the Board.

The WRA intends to issue bonds to defease City of Des Moines bonds issued to fund WRA Improvements, and to issue WRA bonds to fund the construction of certain WRA Improvements, in October 2004.

On September 21, 2004, the WRA Board passed Resolution No. 04-055, requesting the cities of Des Moines, West Des Moines, Clive, Urbandale, Windsor Heights, Altoona, Pleasant Hill, the Urbandale Sanitary Sewer District, the Urbandale / Windsor Heights Sanitary District, and Polk

and Warren Counties to transfer to the WRA by quit claim deed and/or by permanent easement, as appropriate, their respective interests in the WRF and in the wastewater conveyance facilities described in Exhibit 1 to the WRA Agreement, and requesting that such deeds and easements be held by the City of Des Moines Legal Department in escrow for delivery to the WRA Director upon the issuance of said bonds by the WRA.

On October 11th, 2004, by Roll Call No. 04-2145, it was duly resolved by this City Council that the proposed conveyance to the WRA by quit claim deed of all of the City of Des Moines' right, title and interest in and to the WRF, as well as all its right, title and interest in and to the existing wastewater conveyance facilities (interceptor sewers, wastewater detention basins and pumping stations) described in Exhibit 1 to the WRA Agreement, be set down for hearing on October 25th, at 5:30 p.m., in the City Council Chambers. At its meeting on October 25th, the City Council opened said hearing, but continued it until the meeting of November 8, 2004.

Due notice of the proposal to convey the facilities and properties was given as provided by law, setting forth the time and place for a hearing on the proposal.

In accordance with City Council direction, those interested in this 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.