

Date January 8, 2007

HOLD HEARING TO RELEASE A SANITARY SEWER AND WATER MAIN EASEMENT PREVIOUSLY GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS TO THE CITY OF DES MOINES IN CONNECTION WITH THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY WEST SIDE BASIN PUMP STATION PROJECT

WHEREAS, on October 23, 1989, by Roll Call No. 89-4564, the City Council approved the acceptance of a permanent easement for sanitary sewer and water main pipeline in Prospect Park granted by the U.S. Army Corps of Engineers to the City of Des Moines in connection with the West Side Interceptor Sewer Phase 5 – Segment 4D Project; and

WHEREAS, it was later discovered that the legal description contained in that easement was incorrect and that it covered more acres of land than the U.S. Army Corps of Engineers intended; and

WHEREAS, in November, 2006, a new for the sanitary sewer pipeline and water main pipeline right-of-way was granted by the U.S. Army Corps of Engineers to the Des Moines Metropolitan Wastewater Reclamation Authority, and it was intended to replace and supercede the easement granted in 1989; and

WHEREAS, the easement granted in 1989 is no longer needed and should be released.

WHEREAS, on December 18, 2006, by Roll Call No. 06-2464, it was duly resolved by the City Council that the proposed release of sanitary sewer and water main easement be set down for hearing on January 8, 2007, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to release this easement was given 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 this proposed release of easement, 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed release of easement are hereby overruled and the hearing is closed.
2. There is no public need for the Easement for Sanitary Sewer and Water Main, bearing the date of October 17, 1989, Contract No. DACW25-2-90-4012, made and executed by the U.S. Army Corps of Engineers, and filed for record on October 27, 1989, in Book 6165, Page 984 in the Polk County Recorder's Office, and the public would not be inconvenienced by reason of the release of this easement.
3. That the release of this easement be and is hereby approved.

★ Roll Call Number

Agenda Item Number

48

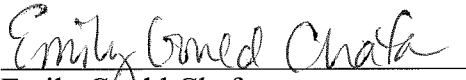
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4. The Mayor is authorized and directed to sign the Release of Sanitary Sewer and Water Main Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this Release of 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 Release of 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 Release of Easement and copies of the other documents to the grantee.
8. There will be no proceeds associated with the release of this easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Emily Gould Chafa
 Assistant City Attorney

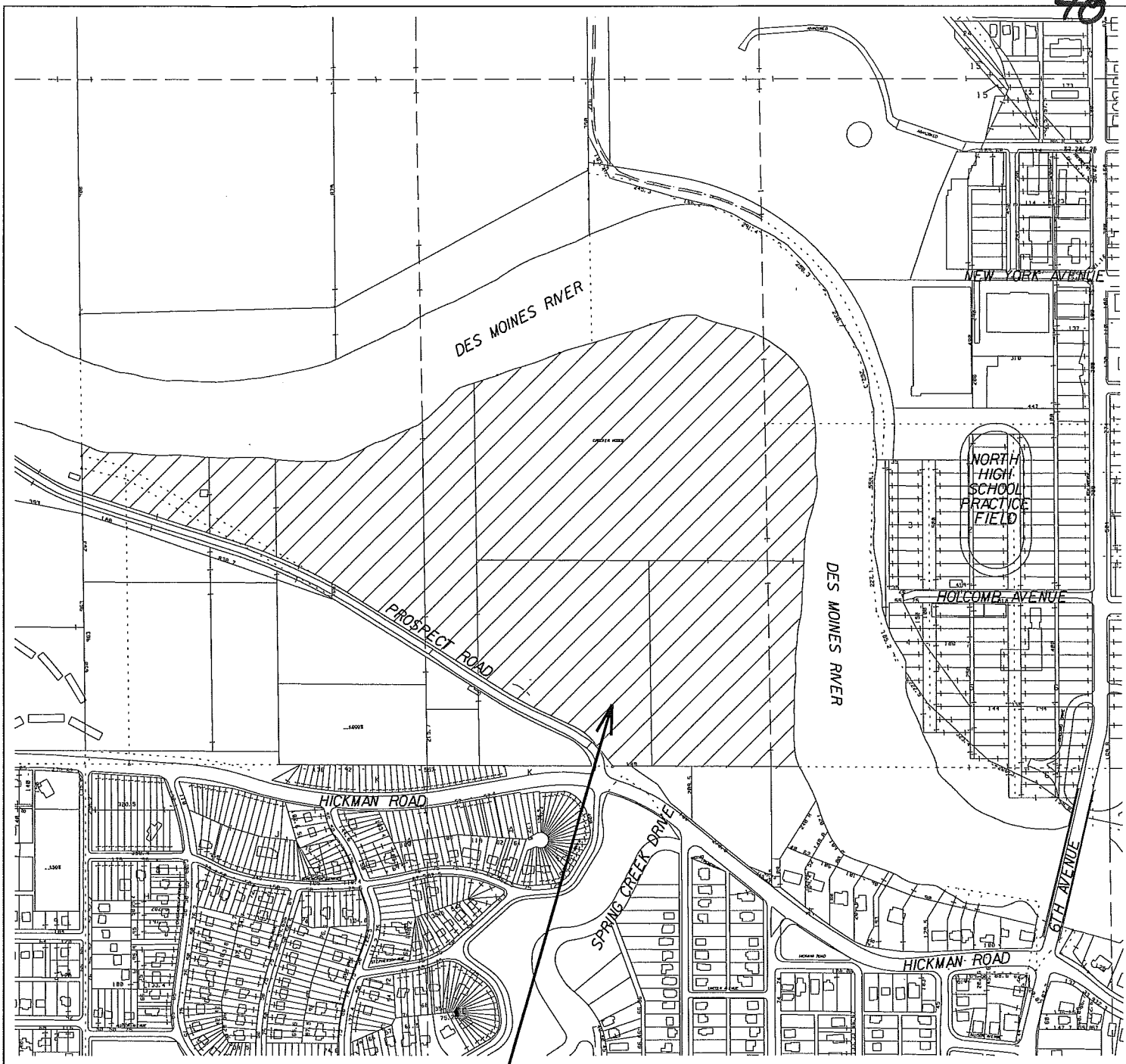
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

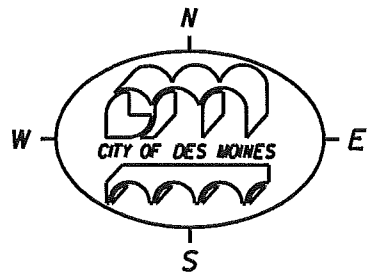
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk



PROPERTY
LOCATION



EASEMENT RELEASE
WRA-WEST SIDE BASIN
PUMP STATION ROW
ACTIVITY I.D. 32-2007-001