

Date April 10, 2006

**HOLD HEARING FOR THE CONVEYANCE OF A PERMANENT EASEMENT FOR WATER MAIN RIGHT-OF-WAY AND TEMPORARY EASEMENT FOR CONSTRUCTION ON THE SOUTH SIDE OF LOCUST STREET BETWEEN 2<sup>ND</sup> AVENUE AND THE DES MOINES RIVER BRIDGE, FOR THE DES MOINES RIVER OUTFALL AND OVERFLOW 2 PROJECT, TO THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF DES MOINES FOR \$1.00**

**WHEREAS**, the Des Moines River Outfall and Overflow 2 Project requires the relocation of a water main and the Board of Water Works Trustees of the City of Des Moines will need a Permanent Easement for Water Main Right-of-Way and a Temporary Easement for Construction across City-owned property located on the south side of Locust Street between 2<sup>nd</sup> Avenue and the Des Moines River bridge for the general public purpose of construction of a water main, such property interests are more specifically described below.

**WHEREAS**, on March 20, 2006, by Roll Call No. 06- 527, it was duly resolved by the City Council that the proposed conveyance of permanent and temporary easements to the Board of Water Works Trustees of the City of Des Moines, on the south side of Locust Street between 2<sup>nd</sup> Avenue and the Des Moines River Bridge, for the Des Moines River Outfall and Overflow 2 Project, be set down for hearing on April 10, 2006, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to grant these easements to the Board of Water Works Trustees of the City of Des Moines 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 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of these easements on the south side of Locust Street between 2<sup>nd</sup> Avenue and the Des Moines River bridge, more specifically described as follows:

A PERMANENT WATER MAIN EASEMENT DESCRIBED AS:

Date April 10, 2006

A PART OF BLOCK 33, FORT DES MOINES, AN OFFICIAL PLAT, AND THAT PART OF VACATED FIRST STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THE NORTH 15.0 FEET OF LOT 1 OF SAID BLOCK 33, AND THE NORTH 15.0 FEET OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 8 OF SAID BLOCK 33, AND THE NORTH 15.0 FEET OF LOT 8 OF SAID BLOCK 33, AND THE NORTH 15.0 FEET OF VACATED FIRST STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING BLOCK 33, OF SAID FORT DES MOINES.

A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS:

A PART OF BLOCK 33, FORT DES MOINES, AN OFFICIAL PLAT, AND THAT PART OF VACATED FIRST STREET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THE SOUTH 15.0 FEET OF THE NORTH 30.0 FEET OF LOT 1 OF SAID BLOCK 33, AND THE SOUTH 15.0 FEET OF THE NORTH 30.0 FEET OF VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 8 OF SAID BLOCK 33, AND THE SOUTH 15.0 FEET OF THE NORTH 30.0 FEET OF LOT 8 OF SAID BLOCK 33, AND THE SOUTH 15.0 FEET OF THE NORTH 30.0 FEET OF VACATED FIRST STREET RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 8, BLOCK 33, OF SAID FORT DES MOINES.

DESCRIPTION APPROVED  
3/15/06 11:40

3. That the conveyance of these easements to the Board of Water Works Trustees of the City of Des Moines for \$1.00 be and is hereby approved.
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 and sign the Temporary Easement for Construction.
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.



**Roll Call Number**

**Agenda Item Number**

**60**

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- 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 grantees.
- 8. There will be no proceeds associated with the conveyance of these easements.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa  
 Emily Gould Chafa  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
<b>TOTAL</b>				

**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.

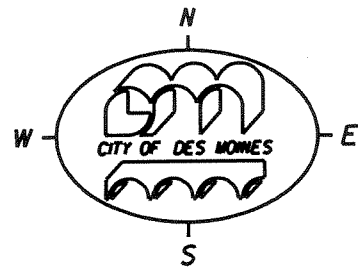
MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk



**EASEMENT  
LOCATION**



**DES MOINES RIVER OUTFALL  
EASEMENTS  
ACT. I.D. 34-2006-041**