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Date May 8, 2006

HOLD HEARING FOR THE CONVEYANCE OF A PERMANENT WATER MAIN EASEMENT ACROSS CITY-OWNED PROPERTY AT UNIVERSITY AVENUE AND KEOSAUQUA WAY (GOOD PARK) TO DES MOINES WATER WORKS FOR \$1.00

WHEREAS, as part of the I-235 Reconstruction Project, a Permanent Easement for Water Main Right-of-way is required across City-owned property located on the south side of University Avenue between 15th Street and 17th Street (Good Park) for the general public purpose of construction of a water main, such property interests being more specifically described below.

WHEREAS, on April 24, 2006, by Roll Call No. 06-756, it was duly resolved by the City Council that the proposed conveyance of a permanent water main easement across City-owned property located on the south side of University Avenue between 15th Street and 17th Street (Good Park), to the Board of Water Works Trustees of the City of Des Moines, be set down for hearing on May 8, 2006, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to grant this easement 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 interest as described below are hereby overruled and the hearing is closed.
2. The majority of the easement area lies within existing dedicated and non-dedicated street rights-of-way, so the Permanent Easement document includes language stating that the rules generally governing utilities within street rights-of-way shall apply to those areas.
3. There is no public need for the property interest described below and the public would not be inconvenienced by reason of the conveyance of this easement across City-owned property on the south side of University Avenue between 15th Street and 17th Street (Good Park), more specifically described as follows:

A PERMANENT WATER MAIN EASEMENT DESCRIBED AS: A PART OF LOT 1 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL ¼ OF THE NORTHEAST FRACTIONAL ¼ OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

DESCRIPTION APPROVED
[Signature]
May 15, 2006

Date May 8, 2006

COMMENCING AT THE NORTHWEST CORNER OF LOT 29, IN BLOCK 2 OF NORTHWESTERN HEIGHTS, AN OFFICIAL PLAT; THENCE NORTH 00°(DEGREES) 20'(MINUTES) 57"(SECONDS) WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 275.80 FEET; THENCE SOUTH 89°39'03" WEST, 63.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 15TH STREET AND TO THE POINT OF BEGINNING; THENCE SOUTH 00°20'57" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 28.23 FEET; THENCE SOUTH 48°30'14" WEST, 9.05 FEET; THENCE SOUTH 71°00'14" WEST, 156.23 FEET; THENCE NORTH 86°29'46" WEST, 155.19 FEET; THENCE NORTH 41°29'46" WEST, 99.74 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE NORTH 89°51'49" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 39.97 FEET; THENCE SOUTH 41°29'46" EAST, 60.90 FEET; THENCE SOUTH 86°29'46" EAST, 136.80 FEET; THENCE NORTH 71°00'14" EAST, 144.30 FEET; THENCE NORTH 48°30'14" EAST, 3.80 FEET; THENCE NORTH 00°08'11" WEST, 5.24 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE NORTH 89°51'49" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 19.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.27 ACRES (11,811 S.F.)

DESCRIPTION APPROVED
[Signature]
5/15/06 15:47

4. That the sale and conveyance of such right-of-way to the Board of Water Works Trustees of the City of Des Moines for \$1.00 be and is hereby approved.
5. 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.
6. The City Clerk is authorized and directed to forward the original of this 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.
7. 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.
8. 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.
9. There will be no proceeds associated with the conveyance of this easement.

Moved by _____ to adopt.

★ **Roll Call Number**

Agenda Item Number

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Date May 8, 2006

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 Dispositions – Des Moines Water Works (Good Park): Page 3

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				
TOTAL				

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