

Date July 24, 2006

**HOLD HEARING FOR THE CONVEYANCE OF A PERMANENT GAS MAIN
EASEMENT ACROSS CITY-OWNED PROPERTY AT 602 ROBERT D. RAY DRIVE TO
MIDAMERICAN ENERGY COMPANY FOR \$1.00**

WHEREAS, MidAmerican Energy Company requires a Permanent Gas Main Easement across City-owned property at 602 Robert D. Ray Drive for the general public purpose of construction, operation and maintenance of a gas main that serves the building associated with the Ice Skating, such property interests more specifically described below; and

WHEREAS, on July 10, 2006, by Roll Call No. 06-1333, it was duly resolved by the City Council that the proposed granting of a Gas Main Easement across City-owned property at 602 Robert D. Ray Drive, be set down for hearing on July 24, 2006, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to grant the Gas Main Easement across City-owned real property 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 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 easement 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 easement across this property at 602 Robert D. Ray Drive, more specifically described as follows:

The South 10.0 feet of the East 120.0 feet of Lot 4, Block 2, East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the granting of such easement to MidAmerican Energy Company for \$1.00 be and is hereby approved.
4. The Mayor is authorized and directed to sign the Gas Main Easement 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 Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing,

DESCRIPTION APPROVED
[Signature]
7/23/06 10:34

★ Roll Call Number

Agenda Item Number

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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 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 Easement and copies of the other documents to the grantees.
8. There will be no proceeds associated with the conveyance of this easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:


Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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