

Date August 9, 2021

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT GAS EASEMENT ON CITY-OWNED PROPERTY LOCATED AT 101 EAST 2ND STREET TO MIDAMERICAN ENERGY COMPANY FOR THE E. 2ND STREET RECONSTRUCTION – COURT AVENUE TO IOWA INTERSTATE RAILROAD PROJECT

WHEREAS, MidAmerican Energy Company has been asked by the City of Des Moines to relocate existing gas line structures for the E. 2nd Street Reconstruction – Court Avenue to Iowa Interstate Railroad Project; and

WHEREAS, MidAmerican Energy Company has requested a gas easement across a portion of City-owned property adjoining 101 2nd Street, described below (hereinafter “Property”), in order to accommodate the installation of a gas vent pipe; and

WHEREAS, the City will not be inconvenienced by the conveyance of a Permanent Gas Easement within the Property; and

WHEREAS, on July 19, 2021, by Roll Call No. 21-1105, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Permanent Gas Easement (“Easement”) be set for hearing on July 19, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Easement was given to all necessary parties 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 the 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of the Permanent Gas Easement as described herein, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of the Permanent Underground Electric Easement in property adjoining 101 East 2nd Street, Des Moines, Iowa, legally described as follows, to MidAmerican Energy Company for \$1.00, and said conveyance is hereby approved:

DESCRIPTION OF EASEMENT AREA:

62

Date August 9, 2021

The South Five (5) Feet of the North Eleven (11) feet of the West Three (3) feet of Lot 2 in Block "I", in Scott and Dean's Addition to Fort Des Moines, an official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. The Mayor is authorized and directed to sign the Permanent Gas Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Permanent Gas 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Gas 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Gas Easement and copies of the other documents to the grantee.
7. There will be no proceeds associated with the conveyance of this Permanent Gas Easement.

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

PW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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

