



Roll Call Number

Agenda Item Number

8B



Date January 24, 2022

**APPROVING CONSENT TO EASEMENT STRUCTURES
(CONSENT NO. DACW25-9-22-4022) WITH THE
DEPARTMENT OF THE ARMY –
U.S. ARMY CORPS OF ENGINEERS (USACE)**

WHEREAS, the United States has acquired a perpetual flowage easement over Tract No. 1829E, Saylorville Lake Project, which was condemned on July 5, 1979, by order of the United States District Court for the Southern District Court of Iowa; and

WHEREAS, said easement grants to the United States the right of prior approval for any structure to be located within the easement area, which area is under the administrative control of the District, Corps of Engineers; and

WHEREAS, the United States has been requested to give consent for the construction, reconstruction, widening, realignment, remediation, operation, and maintenance of the Neal Smith Trail.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the Consent to Easement Structures between the City of Des Moines and the United States by authority of the Secretary of the Army, which authorizes the construction, reconstruction, widening, realignment, remediation, operation, and maintenance of the Neal Smith Trail on Tract 1829E, a copy of which is on file in the office of the City Clerk, is hereby approved as to form and content.

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Consent to Easement Structures for and on behalf of the City of Des Moines, Iowa.

(Council Letter Number 22-028 attached)
Activity ID 11-2019-009



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Moved by _____ to adopt.

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| MANDELBAUM | | | | |
| SHEUMAKER | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

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.

_____ Mayor

_____ City Clerk