



**Roll Call Number**

**Agenda Item Number**

40

**Date** May 8, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC LINE EASEMENT AND A TEMPORARY ELECTRIC LINE EASEMENT IN PORTIONS OF BIRDLAND PARK TO MIDAMERICAN ENERGY COMPANY FOR THE BIRDLAND PUMP STATION REPLACEMENT PROJECT**

**WHEREAS**, on March 7, 2022 by Roll Call No. 22-0360, the City Council of the City of Des Moines passed Ordinance No. 16,108 vacating a portion of Birdland Park lying south of and adjoining 1900 Saylor Road, Des Moines, Iowa (“Property”) and approved the conveyance of said vacated parkland to Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) for the construction of a wastewater pump station and related conveyance facilities including a force main sanitary sewer and all related appurtenances thereto that will replace the existing City of Des Moines’ Birdland Pump Station; and

**WHEREAS**, upon completion of construction of the replacement pump station, the City will transfer ownership of the Property to the WRA along with all related conveyance facilities including the force main sanitary sewer and all related appurtenances; and

**WHEREAS**, MidAmerican Energy Company (“MEC”) has requested a permanent underground electric line easement in a portion of Birdland Park, and a permanent underground electric line easement and temporary electric line easement in portions of the vacated Birdland Park in order to provide electrical service to the replacement pump station and associated facilities; and

**WHEREAS**, there is no known current or future public need or benefit for the property interests proposed to be conveyed, and the City will not be inconvenienced by the conveyance of two permanent Underground Electric Easements and one temporary Underground Electric Easement in portions of Birdland Park and vacated Birdland Park; and

**WHEREAS**, on April 24, 2023 by Roll Call No. 23-0586, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on May 8, 2023, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to convey the easements 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:

Date May 8, 2023

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of two permanent Underground Electric Easements and one temporary Underground Electric Easement portions of Birdland Park and vacated Birdland Park, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property interests proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of three separate Easements for Underground Electric Lines in portions of Birdland Park and vacated Birdland Park located south of and adjoining 1900 Saylor Road, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, and said conveyance is hereby approved:

Permanent Electric Easement PE-1

A 5 foot wide strip of land for easement purposes over that part of Lot 7 in Thompson Estates, being a subdivision of part of Sections 26, 27, 28, 34, 35 & 36, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat dated 1866 and recorded in Book A Page 192, described as follows:

Commencing at the most Northerly corner of a parcel of land per Plat of Survey, recorded January 25, 2022 in Book 18962 Page 20; thence Northerly along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 being a curve to the right having a radius of 593.00 feet, a chord bearing of North 21 degrees 37 minutes 09 seconds West and a chord length of 16.39 feet, for an arc length of 16.39 feet to a non-tangent point and the Point of Beginning; thence South 72 degrees 30 minutes 18 seconds West, 25.85 feet; thence South 28 degrees 58 minutes 59 seconds West, 159.84 feet; thence South 05 degrees 53 minutes 21 seconds East, 11.31 feet; thence South 04 degrees 26 minutes 42 seconds East, 13.15 feet; thence South 85 degrees 33 minutes 18 seconds West, 5.00 feet; thence North 04 degrees 26 minutes 42 seconds West, 13.09 feet; thence North 05 degrees 53 minutes 21 seconds West, 12.82 feet; thence North 28 degrees 58 minutes 59 seconds East, 163.40 feet; thence North 72 degrees 30 minutes 18 seconds East, 27.57 feet to said Westerly Right of Way line of Saylor Road and a non-tangent curve; thence Southerly along said Westerly Right of Way line being a curve to the left having a radius of 593.00 feet, a chord bearing of South 20 degrees 35 minutes 08 seconds East and a chord length of 5.01 feet, for an arc length of 5.01 feet to the Point of Beginning, in and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,068 square feet more or less.

Permanent Electric Easement PE-2

A 10 foot wide strip of land for easement purposes over that part of the Plat of Survey in part of Lot 7 in Thompson Estates, being part of the Northwest Quarter of Section 35, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat recorded January 25, 2022 in Book 18962 Page 20, described as follows:

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Commencing at the most Northerly corner of a parcel of land per Plat of Survey, recorded January 25, 2022 in Book 18962 Page 20; thence Southerly along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 being a curve to the left having a radius of 593.00 feet, a chord bearing of South 24 degrees 57 minutes 46 seconds East and chord length of 52.80 feet, for an arc length of 52.82 feet to the Point of Beginning; thence continuing along said Westerly Right of Way line being a curve to the left having a radius of 593.00 feet, a chord bearing of South 27 degrees 46 minutes 54 seconds East and a chord length of 5.53 feet, for an arc length of 5.53 feet to a point of tangency; thence continuing along said Westerly Right of Way line South 28 degrees 02 minutes 56 seconds East, 7.15 feet; thence South 24 degrees 07 minutes 45 seconds West, 14.06 feet; thence South 29 degrees 44 minutes 52 seconds East, 27.88 feet; thence South 60 degrees 15 minutes 08 seconds West, 2.00 feet; thence South 29 degrees 44 minutes 52 seconds East, 93.76 feet; thence South 60 degrees 15 minutes 20 seconds West, 18.00 feet; thence North 29 degrees 44 minutes 42 seconds West, 14.67 feet; thence North 60 degrees 15 minutes 19 seconds East, 8.00 feet; thence North 29 degrees 44 minutes 52 seconds West, 79.09 feet; thence North 60 degrees 15 minutes 08 seconds East, 2.00 feet; thence North 29 degrees 44 minutes 52 seconds West, 32.97 feet; thence North 24 degrees 07 minutes 45 seconds East, 26.94 feet to the Point of Beginning, in and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,564 square feet more or less.

Description of Temporary Electric Easement TE-1

A 10 foot wide strip of land for easement purposes over that part of the Plat of Survey in part of Lot 7 in Thompson Estates, being part of the Northwest Quarter of Section 35, Township 79 North, Range 24 West of the Fifth Principal Meridian, according to the plat recorded January 25, 2022 in Book 18962 Page 20, described as follows:

Commencing at the Southeast corner of said Plat of Survey; thence North 34 degrees 37 minutes 02 seconds West, 5.54 feet along the Westerly Right of Way line of Saylor Road per Book 18966 Page 439 to a point of curvature; thence Northerly along said Westerly Right of Way line being a curve to the right having a radius of 523.00 feet, a chord bearing of North 31 degrees 19 minutes 59 seconds West and a chord length of 59.93 feet, for an arc length of 59.96 feet to a point of tangency; thence North 28 degrees 02 minutes 56 seconds West along said Westerly Right of Way line, 22.03 feet to the Point of Beginning; thence South 63 degrees 48 minutes 47 seconds West, 8.95 feet; thence North 88 degrees 01 minutes 11 seconds West, 16.90 feet; thence South 56 degrees 15 minutes 42 seconds West, 59.84 feet; thence North 38 degrees 06 minutes 50 seconds West, 18.81 feet; thence North 27 degrees 36 minutes 46 seconds West, 18.01 feet; thence North 62 degrees 23 minutes 14 seconds East, 10.00 feet; thence South 27 degrees 36 minutes 46 seconds East, 17.09 feet; thence South 38 degrees 06 minutes 50 seconds East, 8.63 feet; thence North 56 degrees 15 minutes 42 seconds East, 53.80 feet; thence South 88 degrees 01 minutes 11 seconds East, 17.61 feet; thence North 63 degrees 48 minutes 47 seconds East, 6.12 feet to said Westerly Right of Way line of Saylor Road; thence South 28 degrees 02 minutes 56 seconds East along said Westerly Right of Way line, 10.01 feet to the Point of Beginning, in

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and forming a part of the City of Des Moines, Polk County, Iowa, containing 1,129 square feet more or less.

3. The Mayor is authorized and directed to sign the three Easements for Underground Electric Lines for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Easements for Underground Electric Lines, 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 Easements for Underground Electric Lines, 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 Easements for Underground Electric Lines and copies of the other documents to the Grantee.
7. There are no proceeds associated with this transaction.



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

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno

Mackenzie L. Moreno, Assistant City Attorney

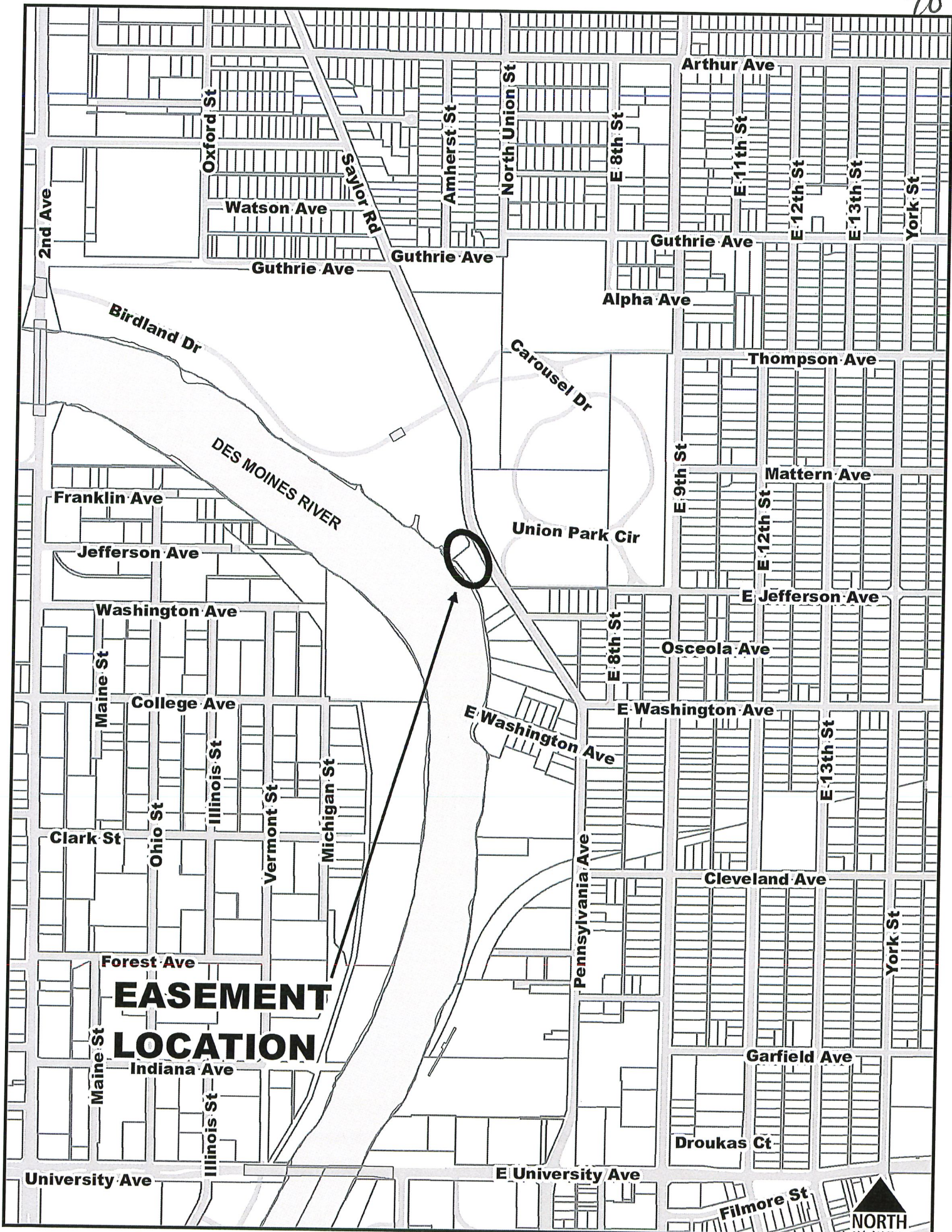
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, Laura L. Baumgartner, 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.

\_\_\_\_\_  
Laura L. Baumgartner, City Clerk



**EASEMENT  
LOCATION**

