



Roll Call Number

20-1108

Agenda Item Number

24

Date July 13, 2020

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN UNDERGROUND ELECTRIC EASEMENT TO MIDAMERICAN ENERGY COMPANY ON CITY-OWNED PROPERTY AT 3226 UNIVERSITY AVENUE FOR \$1.00

WHEREAS, in a letter dated June 5, 2020, MidAmerican Energy Company requested of the City of Des Moines an underground electric easement on City property located at 3226 University Avenue; and

WHEREAS, said Easement is needed in order to provide upgraded electrical service to the City-owned improvements on the property; and

WHEREAS, the City and the public will not be inconvenienced by the conveyance of said Easement to MidAmerican Energy Company.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to grant an underground electric easement to MidAmerican Energy Company across a portion of City property located at 3226 University Avenue, in order to provide upgraded electrical service to the City-owned improvements on the property, more specifically described below, in consideration of the utility service being provided to the City therein:

Legal Description

A part of Lots 3 and 4, Lyon's Park, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing as a point of reference at the SW Corner of the East 4.5 feet of the East 1/2, of said Lot 4; thence N00°00'33"E, 18.15 feet along the West line of said East 4.5 feet to the point of beginning; thence continuing N00°00'33"E along said West line, 182.29 feet to a point; thence S01°15'47"E, 112.61 feet to a point; thence S00°00'33"W, 64.75 feet to a point; thence S88°55'48"E, 34.07 feet to a point; thence N87°23'02"E, 47.89 feet to a point; thence N70°03'43"E, 18.77 feet to a point; thence N00°00'45"W, 102.42 feet to a point; thence S89°55'26"W, 3.50 feet to a point; thence N00°00'45"W, 9.50 feet to a point; thence N89°55'26"E, 8.50 feet to a point; thence S00°00'45"E, 110.11 feet to a point; thence N70°03'43"E, 2.17 feet to a point on the east line of the West 1/2 of Lot 3, in said Lyon's Park; thence S00°00'31"E, 13.20 feet to a point on the north line of the South 20.0 feet of the West 1/2 of said Lot 3; thence S89°38'44"W, 75.04 feet along said north line to a point; thence S00°08'36"W, 2.43 feet to a point; thence N88°55'48"W, 34.05 feet to the point of beginning. Said easement contains 1,450 square feet, more or less.

2. A public hearing shall be held on August 3, 2020, at 5:00 p.m. Given Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public



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property and the Section One of the Governor's May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Hundred Twenty Three of the Governor's June 25, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the meeting may be conducted electronically with no public access to the meeting location or conducted electronically with public access to the meeting location. For an update on whether public access to the meeting will be permitted, you may contact the City Clerk at (515) 283-4209 or check the agenda for the meeting posted on the City's website (www.dsm.city). Meeting minutes will continue to be provided per the City's normal course of business. To participate in the electronic meeting, access is available via the internet or telephonically (details below):

- To join the Zoom Meeting via the internet, access:
 - <https://zoom.us/j/97458515331?pwd=ZTIvT0tKcEx5aE80bUdVekltUnppQT09>
 - You will be provided with a unique password upon registration by using the link above.
- To join telephonically:
 - US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)
 - Webinar ID: 974 5851 5331

At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. The City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. July 30, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.



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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

J. M. Frankin Cownie 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.

P. Kay Cmelik

City Clerk