

★ Roll Call Number

21-0896

Agenda Item Number

57

Date June 14, 2021

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT UNDERGROUND ELECTRIC EASEMENT ON CITY-OWNED PROPERTY LOCATED SOUTH OF AND ADJOINING LINE DRIVE BETWEEN SOUTHWEST 2<sup>ND</sup> STREET AND SOUTHWEST 3<sup>RD</sup> STREET TO MIDAMERICAN ENERGY COMPANY FOR \$1**

**WHEREAS**, MidAmerican Energy Company is required by the City of Des Moines to reroute a power feed that is in conflict with a City construction project at Line Drive between Southwest 2<sup>nd</sup> Street and Southwest 3<sup>rd</sup> Street; and

**WHEREAS**, MidAmerican Energy Company has requested an underground electric line easement across a portion of excess City-owned property located south of and adjoining Line Drive, described below (hereinafter "Property"), in order to accommodate the relocation of the power feed; and

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

**WHEREAS**, on May 24, 2021, by Roll Call No. 21-0781, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Permanent Underground Electric Easement ("Easement") be set for hearing on June 14, 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 Underground Electric 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 located south of and adjoining Line Drive, between Southwest 2<sup>nd</sup> Street and Southwest 3<sup>rd</sup> Street, Des Moines, Iowa, legally described as follows, to MidAmerican Energy Company for \$1.00, and said conveyance is hereby approved:

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

★ Roll Call Number

21-0896

Agenda Item Number

57

Date June 14, 2021

The East Ten (10) feet of the West Twenty (20) feet of the North Ten (10) feet of Lot 6, River Point Plat No. 3, an official plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, EXCEPT that part of Lot 6 now being Line Drive road right of way.

- 3. The Mayor is authorized and directed to sign the Permanent Underground Electric 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 Underground Electric 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 Underground Electric 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 Underground Electric Easement and copies of the other documents to the grantee.
- 7. There will be no proceeds associated with the conveyance of this Permanent Underground Electric Easement.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

LSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				APPROVED

P. M. Franklin 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