



**Roll Call Number**

22-0259

**Agenda Item Number**

37 ✓

**Date** February 21, 2022

**CONTINUANCE OF HEARING FOR VACATION OF A PORTION OF BIRDLAND PARK AND CONVEYANCE TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE WRA BIRDLAND PUMP STATION REPLACEMENT PROJECT**

**WHEREAS**, the City of Des Moines is the owner of certain parkland located in Birdland Park, and lying south of and adjoining 1900 Saylor Road, Des Moines, Iowa (“Property”), upon which the City of Des (City) constructed a wastewater pump station and related conveyance facilities including a force main sanitary sewer and all related appurtenances thereto (collectively the “Improvements”); and

**WHEREAS**, the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) is a legal entity created for the purpose of conveying and treating wastewater from seventeen regional communities, and the City of Des Moines is one of the seventeen member communities that is a party to the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority dated June 6, 2014, with an effective date of July 1, 2004 (“Agreement”); and

**WHEREAS**, the WRA plans to construct a replacement pump station (“Replacement Pump Station”) near the location of the City’s existing Birdland Pump Station; and

**WHEREAS**, the Agreement stipulated that the WRA may request such real property interest(s) as it needs to accomplish its public purposes from any participating community in relation to the construction, use, operation, maintenance, or other purpose of any improvements; and

**WHEREAS**, the WRA has requested the property interests necessary to construct the replacement WRA Birdland Pump Station; and

**WHEREAS**, once the Replacement Pump Station is fully constructed and fully operational and upon final acceptance by the WRA, the City’s Improvements will be transferred to the WRA by virtue of a Bill of Sale to the WRA; and

**WHEREAS**, there is no known current or future public need for the Property proposed to be conveyed and the City will not be inconvenienced by the vacation and conveyance of said Property to the WRA; and

**WHEREAS**, in accordance with Iowa Code 364.7(3), the City proposes to convey the Property, except the Improvements, to the WRA at no cost for the public purpose of the WRA replacing the City of Des Moines Birdland Pump Station and taking over ownership and management of the wastewater pump station and related conveyance facilities including a force main sanitary sewer,



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subject to the reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same, until such time as said utilities are abandoned or relocated, and further subject to the reservation of an access easement for the City to access its Improvements; and

**WHEREAS**, on February 7, 2022, by Roll Call No. 22-0172, it was duly resolved by the City Council that the proposed vacation and conveyance be set down for hearing on February 21, 2022, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to vacate and convey was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, the title certificate revealed a cloud on title over a portion of the Property which will require further City action to address and perfect; and

**WHEREAS**, a continuance of the public hearing is needed until the Council meeting on March 7, 2022, to allow additional time for further abstracting and to identify the title clearing actions required to perfect title to the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa that the public hearing for vacation and conveyance of a portion of parkland located in Birdland Park and lying south of and adjoining 1900 Saylor Road, be and is hereby continued to March 7, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

Moved by Westergaard to adopt. Second by Gatto.  
APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>J. M. Franklin Cownie</u> 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