



**Roll Call Number**

22-0453

**Agenda Item Number**

60

**Date** March 21, 2022

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**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF EAST COUNTY LINE ROAD LOCATED NORTH OF AND ADJOINING 2351 EAST COUNTY LINE ROAD AND APPROVAL OF A LAND EXCHANGE AGREEMENT WITH IOWA POWER AND LIGHT COMPANY N/K/A MIDAMERICAN ENERGY COMPANY**

**WHEREAS**, the City of Des Moines, Iowa, (“City”) is the owner of certain East County Line Road right-of-way located north of and adjoining 2351 East County Line Road, Des Moines, Iowa (hereinafter “City Parcel”), more particularly described below; and

**WHEREAS**, Iowa Power & Light Company n/k/a MidAmerican Energy Company, an Iowa corporation, (“Seller”) is the owner of 2351 East County Line Road and 2300 East County Line Road, Des Moines, Iowa, (hereinafter collectively “Seller Parcel”), more particularly described below; and

**WHEREAS**, Iowa Power & Light Company n/k/a MidAmerican Energy Company, has offered to the City of Des Moines, Iowa, portions of the Seller Parcel in exchange for the City Parcel, both described below, in order to assemble said City Parcel with its adjoining property, subject to a reservation of easements therein, which represents an equitable exchange of value as determined by the City’s Real Estate Division; and

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

**WHEREAS**, on March 7, 2022, by Roll Call No. 22-0320, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and land exchange agreement be set for hearing on March 21, 2022, 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 vacate and convey the City Parcel by a land exchange agreement was given 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 vacation and 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:



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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of a portion of East County Line Road, located north of and adjoining 2351 East County Line Road, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City Parcel proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of certain East County Line Road right-of-way located north of and adjoining 2351 East County Line Road, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein, and said vacation is hereby approved:

**City Parcel:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 55.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET TO THE POINT OF BEGINNING; THENCE S59°21'37"W, A DISTANCE OF 58.72 FEET; THENCE N89°29'43"W, A DISTANCE OF 298.89 FEET; THENCE N67°36'44"W, A DISTANCE OF 94.35 FEET; THENCE SOUTHEASTERLY ALONG A 743.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 88.20 FEET, SAID CURVE HAVING A CHORD BEARING OF S86°09'12"E AND A CHORD LENGTH OF 88.15 FEET; THENCE S89°33'06"E, A DISTANCE OF 348.70 FEET TO THE POINT OF BEGINNING; CONTAINING 11,019 SQUARE FEET.

3. The proposed exchange of the vacated right-of-way described above for property of equal value, which is owned by Iowa Power & Light Company n/k/a MidAmerican Energy Company and is composed of portions of 2351 East County Line Road and 2300 East County Line Road, as legally described below, is hereby approved:

**Seller Parcel:**

**PARCEL Z:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 55.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET; THENCE S59°21'37"W, A DISTANCE OF 58.72 FEET; THENCE N89°29'43"W, A DISTANCE OF 298.89 FEET; THENCE N67°36'44"W, A DISTANCE OF 94.35 FEET TO THE POINT OF



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BEGINNING; THENCE NORTHWESTERLY ALONG A 743.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 130.15 FEET, SAID CURVE HAVING A CHORD BEARING OF N77°44'23"W AND A CHORD LENGTH OF 129.99 FEET; THENCE S89°20'50"E, A DISTANCE OF 61.72 FEET; THENCE S67°36'44"E, A DISTANCE OF 70.63 FEET TO THE POINT OF BEGINNING; CONTAINING 1,054 SQUARE FEET.

PARCEL AA:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 01, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°05'58"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°05'58"E ALONG SAID EAST LINE, A DISTANCE OF 30.00 FEET; THENCE N89°23'27"W, A DISTANCE OF 326.74 FEET; THENCE N89°33'06"W, A DISTANCE OF 49.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY LINE ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N59°21'37"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 58.10 FEET; THENCE S89°23'27"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 326.65 FEET TO THE POINT OF BEGINNING; CONTAINING 10,573 SQUARE FEET.

PARCEL 2021-202:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°22'55"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 326.30 FEET; THENCE N70°25'21"W, A DISTANCE OF 15.13 FEET; THENCE S89°33'06"E, A DISTANCE OF 14.63 FEET; THENCE S89°23'27"E, A DISTANCE OF 326.01 FEET; THENCE S01°02'48"W, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; CONTAINING 1,656 SQUARE FEET.

4. Upon receipt of the executed Land Exchange Agreement and Warranty Deed from Seller to the City for the Seller Parcel, the Mayor is authorized and directed to sign the Land Exchange Agreement, Quit Claim Deed, and acceptance of the Warranty Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is authorized and directed to forward the original of the Warranty Deed and the Quit Claim Deed, 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.



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6. The Real Estate Division Manager is authorized and directed to forward the original of the Warranty Deed and the Quit Claim Deed, 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.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.

8. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Voss.

**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. Frankin 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