



Roll Call Number

22-1412

Agenda Item Number

32

Date September 12, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES AND A TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES IN CITY PROPERTY LOCATED NORTH OF AND ADJOINING 1 LINE DRIVE TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, City of Des Moines (City), and DBH Iowa, LLC, successor in interest to Endeavor Group Holdings Inc., which was successor in interest to Greater Des Moines Baseball Co., (“Lessee”), are parties to a lease agreement dated August 26, 1991, as amended, for the use of Sec Taylor Stadium, now known as Principal Park, all ancillary buildings and surrounding parking lots and grounds (Leased Premises) for playing professional baseball games and conducting promotions; and

WHEREAS, Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) has requested a Permanent Easement for Sanitary Sewer Facilities and a Temporary Easement for Construction and Construction-Related Activities (hereinafter “Easements”), as legally described below, in a portion of the Leased Premises at the north end of the parking area located north of and adjoining 1 Line Drive, Des Moines, Iowa (hereinafter “Property”); and

WHEREAS, DBH Iowa, LLC has provided their written consent to the Easements; and

WHEREAS, the City has no known current or anticipated public need for the Property interests proposed to be conveyed, and the City will not be inconvenienced by reason of the conveyance of said Permanent Easement for Sanitary Sewer Facilities and Temporary Easement for Construction and Construction-Related Activities therein.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Sanitary Sewer Facilities and a Temporary Easement for Construction and Construction-Related Activities in a portion of the City property located at the north end of the parking area located between Southwest 2nd Street, West Martin Luther King Jr. Parkway and Southwest Water Street and north of and adjoining 1 Line Drive, legally described as follows, to Des Moines Metropolitan Wastewater Reclamation Authority for \$1.00 and other good and valuable consideration and the mutual promises and covenants contained in the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority (WRA Agreement):

Permanent easement:

A PERPETUAL SANITARY SEWER EASEMENT LOCATED IN LOT 1 OF FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF DES MOINES, POLK COUNTY, IOWA AND IN ACCRETION LAND LYING SOUTHEAST OF AND ADJOINING SAID LOT 1, INCLUDING FROM SW WATER STREET, EAST TO THE RIVER, MORE PARTICULARLY



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DESCRIBED AS A STRIP 30.00 FEET IN WIDTH LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT NO. 1 IN THE PLAT OF SURVEY FOR RIGHT-OF-WAY DEDICATION RECORDED IN BOOK 14139 ON PAGE 432 IN THE POLK COUNTY RECORDER'S OFFICE; THENCE NORTH 72°01'37" EAST ALONG THE SOUTH LINE OF SAID TRACT NO. 1, 66.13 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE EAST RIGHT-OF-WAY LINE OF SW 2nd STREET; THENCE SOUTH 15°21'50" EAST ALONG SAID EAST RIGHT-OF-WAY LINE 15.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 73°55'48" EAST, 46.37 FEET; THENCE SOUTH 81°36'14" EAST, 108.00 FEET; THENCE NORTH 65°47'35" EAST, 190.26 FEET; THENCE SOUTH 89°06'14" EAST, 45.40 FEET TO THE TERMINUS.

CONTAINING 11,701 SQUARE FEET OR 0.27 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

Temporary easement:

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN TRACT NO. 1 OF THE PLAT OF SURVEY FOR RIGHT-OF-WAY DEDICATION AS RECORDED IN BOOK 14139 ON PAGE 432 IN THE POLK COUNTY, RECORDER'S OFFICE AND IN LOT 1 OF FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING PART OF DES MOINES, POLK COUNTY, IOWA AND IN ACCRETION LAND LYING SOUTHEAST OF AND ADJOINING SAID LOT 1, INCLUDING FROM SW WATER STREET, EAST TO THE RIVER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT NO. 1; THENCE NORTH 72°01'37" EAST ALONG THE SOUTH LINE OF SAID TRACT NO. 1, 66.13 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE EAST RIGHT-OF-WAY LINE OF SW 2nd STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 72°01'37" EAST ALONG SAID SOUTH LINE OF TRACT NO. 1, 38.28 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE CONTINUING NORTH 72°01'37" EAST , 6.98 FEET; THENCE NORTH 18°34'17" WEST, 50.60 FEET; THENCE NORTH 72°04'31" EAST, 81.40 FEET; THENCE NORTH 89°30'43" EAST, 96.63 FEET; THENCE SOUTH 21°07'00" EAST, 68.77 FEET; THENCE NORTH 66°59'58" EAST, 99.33 FEET; THENCE NORTH 28°12'23" WEST, 23.78 FEET TO THE SOUTH LINE OF SAID TRACT NO. 1; THENCE NORTH 89°03'50" EAST ALONG SAID SOUTH LINE, 66.74 FEET; THENCE SOUTH 00°42'06" WEST, 89.14 FEET; THENCE NORTH 90°00'00" WEST, 17.38 FEET; THENCE NORTH 28°53'24" WEST, 50.06 FEET; THENCE SOUTH 65°47'35" WEST, 98.24 FEET; THENCE SOUTH 24°12'25" EAST, 10.00 FEET; THENCE SOUTH 65°47'35" WEST, 77.04 FEET; THENCE NORTH 81°39'28" WEST, 39.77 FEET; THENCE SOUTH 66°57'41" WEST, 121.66 FEET TO SAID EAST RIGHT-OF-WAY LINE OF SW 2nd STREET; THENCE NORTH 15°21'50" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 86.73 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM A PERPETUAL SANITARY SEWER EASEMENT AS SHOWN ON EXHIBIT PE-5401.

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CONTAINING 21,997 SQUARE FEET OR 0.51 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

- 2. That the meeting of the City Council at which the conveyance of such Easements is to be considered shall be on October 3, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

In addition, 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. September 29, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the October 3, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

- 3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
4. There are no proceeds associated with this transaction.

Moved by Gatto to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL MOTION CARRIED. Includes signature of M. Frank Cownie, Mayor.

CERTIFICATE

I, LAURA 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 Baumgartner, City Clerk (with signature)