



**Roll Call Number**

22-1560

**Agenda Item Number**

57

**Date** October, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EASEMENTS FOR UNDERGROUND ELECTRIC LINES IN PORTIONS OF GREENWOOD PARK TO MIDAMERICAN ENERGY COMPANY FOR \$17,505**

**WHEREAS**, the City of Des Moines is the owner of certain parkland located in Greenwood Park, 4700 Grand Avenue, Des Moines, Iowa (“Property”); and

**WHEREAS**, MidAmerican Energy Company (“MEC”) has requested permanent easements at the north end and at the south end of 45<sup>th</sup> Street, and along the eastern boundary of Greenwood Park in order to underground the existing overhead electric lines; and

**WHEREAS**, permanent easements are required only in those locations where the underground electric lines are outside of the existing 45<sup>th</sup> Street right-of-way; and

**WHEREAS**, there is no known current or future public need for the property interests proposed to be conveyed, and the City will not be inconvenienced by the conveyance of three Easements for Underground Electric Lines in the three portions of Greenwood Park; and

**WHEREAS**, on September 12, 2022 by Roll Call No. 22-1409, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on October 3, 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 convey the Easements 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 three permanent Easements for Underground Electric Lines in three separate portions of Greenwood Park, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the property interests proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of three separate permanent Easements for Underground Electric Lines in portions of Greenwood Park, 4700 Grand Avenue, Des Moines, Iowa, as legally described, to MidAmerican Energy Company, for \$17,505.00 and said conveyance is hereby approved:



**Roll Call Number**

22-1560

**Agenda Item Number**

57

**Date** October, 2022

A TRACT OF LAND IN THE W 1/2, NE 1/4 OF SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE WITH THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°42'24"E, 109.95 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE S04°42'24"E, 185.56 FEET ALONG SAID WEST LINE TO A POINT; THENCE N07°22'08"W, 106.50 FEET TO A POINT; THENCE N04°46'53"W, 79.48 FEET TO A POINT; THENCE N10°04'45"W, 113.62 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE; THENCE EASTERLY ALONG SAID SOUTH LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF S81°36'13"E, A CHORD LENGTH OF 5.27, AN ARC LENGTH OF 5.27 FEET TO A POINT; THENCE S10°04'45"E, 112.72 FEET TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 1225 SQUARE FEET, MORE OR LESS;

AND

A TRACT OF LAND IN THE W 1/2, NE 1/4 OF SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE OF THE INTERSECTION OF THE EAST LINE OF SAID W 1/2, NE 1/4 WITH THE SOUTH LINE OF GREENWOOD DRIVE; THENCE N89°44'58"W, 30.38 FEET ALONG SAID SOUTH LINE TO THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE N04°47'02"E, 25.54 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE N77°32'20"W, 27.39 FEET TO A POINT; THENCE N34°35'09"E, 16.17 FEET TO A POINT; THENCE N53°16'26"W, 2.05 FEET TO A POINT; THENCE N36°43'34"W, 2.50 FEET TO A POINT; THENCE N53°16'26"W, 40.21 FEET TO A POINT; THENCE N33°58'19"E, 47.38 FEET TO A POINT; THENCE N27°31'55"E, 26.25 FEET TO A POINT; THENCE N21°59'09"E, 24.03 FEET TO A POINT; THENCE N14°58'29"E, 28.98 FEET TO A POINT; THENCE N12°45'02"E, 58.82 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°47'02"W, 36.08 FEET ALONG SAID WEST LINE TO A POINT; THENCE S12°45'02"W, 23.19 FEET TO A POINT; THENCE S14°58'29"W, 29.39 FEET TO A POINT; THENCE S21°59'09"W, 24.58 FEET TO A POINT; THENCE S27°31'55"W, 26.77 FEET TO A POINT; THENCE S33°58'19"W, 42.90 FEET TO A POINT; THENCE S53°16'26"E, 35.44 FEET TO A POINT; THENCE N36°43'34"E, 2.50 FEET TO A POINT; THENCE S53°16'26"E, 6.42 FEET TO A POINT; THENCE S33°02'58"W, 10.02 FEET TO A POINT; THENCE S34°36'37"W, 8.55 FEET TO A POINT; THENCE S77°32'20"E, 19.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 45TH STREET; THENCE S04°47'02"W, 5.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. SAID EASEMENT CONTAINS 1,265 SQUARE FEET, MORE OR LESS;

AND



**Roll Call Number**

22-1560

**Agenda Item Number**

57

**Date** October, 2022

THE EAST 10.0 FEET OF THE W 1/2, NE 1/4 AND THE EAST 10.0 FEET OF THE W 1/2, SE 1/4, IN SECTION 12, T-78N, R-25W OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY IOWA, ALL LYING NORTH OF PARCEL 2020-146 AS RECORDED IN BOOK 18255, PAGE 485 OF THE POLK COUNTY RECORDER'S OFFICE AND WEST OF AND ADJACENT TO THE WEST LINES OF LOT 12, MENNIG PLACE PLAT 2 AND LOTS 10 THROUGH 33, LINDEN HEIGHTS, BOTH OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. SAID EASEMENT CONTAINS 0.69 ACRES (30,024 SQUARE FEET,) MORE OR LESS.

3. The Mayor is authorized and directed to sign the three Easements for Underground Electric Lines for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the Easements for Underground Electric Lines, 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 Easements for Underground Electric Lines, 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 Easements for Underground Electric Lines and copies of the other documents to the Grantee.
7. Proceeds from the sale of these easements will be deposited into the Parks and Recreation Capital Projects fund C040, Park Infrastructure project PK175.



Roll Call Number

22-1560

Agenda Item Number

57

Date October, 2022

Moved by Mandelbaum to adopt. Second by Boeson.

APPROVED AS TO FORM:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, Laura L. 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.

Handwritten signature of J. M. Franklin Cownie, Mayor

Handwritten signature of Laura L. Baumgartner, City Clerk