



Roll Call Number

23-0249

Agenda Item Number

45

Date February 20, 2023

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF AN EASEMENT FOR A FIBER OPTIC LINE IN A PORTION OF GREENWOOD PARK TO MEDIACOM COMMUNICATIONS CORPORATION FOR \$13,150**

**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**, Mediacom Communications Corporation (“Mediacom”) has requested a permanent easement along the eastern boundary of Greenwood Park in order to underground the existing overhead fiber optic communication lines; and

**WHEREAS**, there is no known current or future public need or benefit for the property interest proposed to be conveyed, and the City will not be inconvenienced by the conveyance of a Permanent Easement for Underground Transmission Lines in a portion of the eastern boundary of Greenwood Park; and

**WHEREAS**, on February 6, 2023 by Roll Call No. 23-0154, 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 February 20, 2023, 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 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 a Permanent Easement for Underground Transmission Lines in a portion of the eastern boundary 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 interest proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance a Permanent Easement for Underground Transmission Lines in a portion of the eastern boundary of Greenwood Park, 4700 Grand Avenue, Des Moines, Iowa, as legally described, to Mediacom Communications Corporation, for \$13,150.00 and said conveyance is hereby approved:



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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 Permanent Easement for Underground Transmission 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 Permanent Easement for Underground Transmission 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 Permanent Easement for Underground Transmission 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.



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Moved by Mendelbaum to adopt. Second by Gatto.

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, TOTAL (7), MOTION CARRIED, and APPROVED. Includes signature of Frank Cownie, Mayor.

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.

Signature of Laura L. Baumgartner

Laura L. Baumgartner, City Clerk