

Date October 23, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES IN CITY PROPERTY LOCATED SOUTH OF THE DES MOINES RIVER AND NORTH OF HARTFORD AVENUE, BETWEEN SOUTHEAST 1ST STREET AND SOUTHEAST 22ND STREET TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY

WHEREAS, Des Moines Metropolitan Wastewater Reclamation Authority ("WRA") has requested a Permanent Easement for Sanitary Sewer Facilities (hereinafter "Easement"), as legally described below, in portions of City property located south of the Des Moines River and north of Hartford Avenue, between Southeast 1st Street and Southeast 22nd Street, Des Moines, Iowa (hereinafter "Property") for the purpose of constructing, operating, maintaining, repairing, reconstructing and enlarging existing and newly constructed sanitary sewers and necessary appurtenances situated therein; and

WHEREAS, the City has no known current or anticipated public need for the Property interest proposed to be conveyed, and the City will not be inconvenienced by reason of the conveyance of said Permanent Easement for Sanitary Sewer Facilities 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 in portions of the City property located south of the Des Moines River and north of Hartford Avenue, between Southeast 1st Street and Southeast 22nd Street, 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):

A PART OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE SOUTH 0°06'14" WEST ALONG THE WEST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 226.94 FEET; THENCE SOUTH 89°53'46" EAST, 200.44 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD AND TO THE POINT OF BEGINNING; THENCE SOUTH 77°40'21" EAST, 59.20 FEET; THENCE SOUTH 12°19'39" WEST, 30.00 FEET; THENCE NORTH 77°40'21" WEST, 39.72 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1190.97 FEET, WHOSE ARC LENGTH IS 35.77 FEET AND WHOSE CHORD BEARS NORTH 20°40'09" WEST, 35.77 FEET TO THE POINT OF BEGINNING AND CONTAINING ACRES 0.03 (1,487 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;



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23-1424

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AND,

A PART OF THE NORTHEAST 1/4 OF SECTION 14 AND THE SOUTHEAST 1/4 OF SECTION 11 ALL IN TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 0°06'14" WEST ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 183.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°06'14" WEST ALONG SAID WEST LINE, 30.70 FEET; THENCE NORTH 77°40'21" WEST, 317.25 FEET; THENCE NORTH 62°23'15" WEST, 596.61 FEET; THENCE NORTH 62°45'50" WEST, 610.11 FEET; THENCE NORTH 69°53'45" WEST, 280.16 FEET; THENCE NORTH 0°47'39" WEST, 32.11 FEET; THENCE SOUTH 69°53'45" EAST, 293.49 FEET; THENCE SOUTH 62°45'50" EAST, 612.08 FEET; THENCE SOUTH 62°23'15" EAST, 592.68 FEET; THENCE SOUTH 77°40'21" EAST, 306.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.24 ACRES (54,136 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;

AND,

A PART OF SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT AND A PART OF FIRST ADDITION TO SOUTH RIVERSIDE PARK, AN OFFICIAL PLAT ALSO BEING IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 11; THENCE SOUTH 0°50'21" WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1080.56 FEET; THENCE SOUTH 89°09'39" EAST, 64.67 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 14TH STREET AND TO THE POINT OF BEGINNING; THENCE SOUTH 82°16'07" EAST, 51.22 FEET; THENCE SOUTH 82°19'56" EAST, 554.69 FEET; THENCE SOUTH 83°57'54" EAST, 588.44 FEET; THENCE SOUTH 70°30'07" EAST, 264.60 FEET; THENCE NORTH 89°48'10" WEST, 51.05 FEET; THENCE SOUTH 0°48'27" WEST, 13.86 FEET; THENCE NORTH 70°30'07" WEST, 126.76 FEET; THENCE NORTH 0°42'39" EAST, 21.97 FEET; THENCE NORTH 89°48'08" WEST, 62.93 FEET; THENCE NORTH 70°30'07" WEST, 24.13 FEET; THENCE NORTH 83°57'54" WEST, 585.33 FEET; THENCE NORTH 82°19'56" WEST, 555.13 FEET; THENCE NORTH 82°16'07" WEST, 49.70 FEET TO SAID SOUTHEAST RIGHT-OF-WAY LINE; THENCE NORTH 04°47'09" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 30.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.96 ACRES (41,951 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;

AND,

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23-1424

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26

Date October 23, 2023

A PART OF THE NORTHWEST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

SANITARY SEWER EASEMENT AREA (a)

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE SOUTH 0°50'21" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 1092.06 FEET; THENCE NORTH 89°09'39" WEST, 90.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 82°16'07" WEST, 133.92 FEET; THENCE NORTH 82°10'03" WEST, 795.52 FEET; THENCE NORTH 58°19'16" WEST, 103.60 FEET; THENCE SOUTH 89°40'00" EAST, 21.60 FEET; THENCE NORTH 0°15'51" WEST, 22.11 FEET; THENCE SOUTH 58°19'16" EAST, 90.51 FEET; THENCE SOUTH 82°10'03" EAST, 789.16 FEET; THENCE SOUTH 82°16'07" EAST, 130.25 FEET; THENCE SOUTH 0°48'32" WEST, 30.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.70 ACRES (30,406 S.F.).

SANITARY SEWER EASEMENT AREA (b)

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE SOUTH 0°50'21" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 903.73 FEET; THENCE NORTH 89°09'39" WEST, 1080.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 84°34'15" WEST, 67.83 FEET; THENCE NORTH 58°19'16" WEST, 65.56 FEET; THENCE NORTH 83°53'31" WEST, 490.85 FEET; THENCE NORTH 75°24'32" WEST, 848.30 FEET; THENCE NORTH 66°57'08" WEST, 436.40 FEET; THENCE NORTH 23°02'52" EAST, 2.50 FEET; THENCE NORTH 66°57'08" WEST, 94.99 FEET; THENCE SOUTH 23°14'38" WEST, 2.50 FEET; THENCE NORTH 66°45'22" WEST, 516.36 FEET; THENCE NORTH 51°59'51" WEST, 732.29 FEET; THENCE NORTH 32°14'18" WEST, 24.64 FEET; THENCE NORTH 58°01'21" EAST, 22.82 FEET; THENCE NORTH 31°58'37" WEST, 100.00 FEET; THENCE SOUTH 58°01'22" WEST, 23.28 FEET; THENCE NORTH 32°14'18" WEST, 99.13 FEET; THENCE NORTH 14°27'57" WEST, 12.52 FEET; THENCE NORTH 82°26'53" WEST, 177.86 FEET; THENCE SOUTH 07°33'07" WEST, 4.05 FEET; THENCE NORTH 78°26'37" WEST, 35.42 FEET; THENCE NORTH 07°33'07" EAST, 30.00 FEET; THENCE SOUTH 82°26'53" EAST, 205.63 FEET; THENCE NORTH 05°50'03" EAST, 36.18 FEET; THENCE SOUTH 84°09'57" EAST, 30.00 FEET; THENCE SOUTH 05°50'03" WEST, 43.04 FEET; THENCE SOUTH 14°27'57" EAST, 21.63 FEET; THENCE SOUTH 32°14'18" EAST, 213.85 FEET; THENCE SOUTH 51°59'51" EAST, 723.18 FEET; THENCE SOUTH 66°45'22" EAST, 512.47 FEET; THENCE SOUTH 23°14'38" WEST, 2.50 FEET; THENCE SOUTH 66°57'08" EAST, 94.91 FEET; THENCE NORTH 23°02'52" EAST, 2.50 FEET; THENCE SOUTH 66°57'08" EAST, 434.18 FEET; THENCE SOUTH 75°24'32" EAST, 843.86 FEET; THENCE SOUTH 83°53'31" EAST, 495.44 FEET; THENCE SOUTH 58°19'16" EAST, 133.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.49 ACRES (108,627 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD;

★ Roll Call Number  
33-1424

Agenda Item Number  
26

Date October 23, 2023

AND,

A PART OF THE SOUTHWEST 1/4 OF SECTION 11, AND PART OF THE SOUTHEAST 1/4 OF SECTION 10, ALL IN TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORER OF SAID SECTION 11; THENCE SOUTH 0°50'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11, A DISTANCE OF 1072.74 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 82°16'07" EAST, 45.33 FEET; THENCE SOUTH 0°50'21" WEST, 30.22 FEET; THENCE NORTH 82°16'07" WEST, 136.14 FEET; THENCE NORTH 0°48'32" EAST, 30.22 FEET; THENCE SOUTH 82°16'07" EAST, 90.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRES (4,084 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. That the meeting of the City Council at which the conveyance of such Easement is to be considered shall be on November 6, 2023, 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.
- 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 Voss.

APPROVED AS TO FORM:

/s/ Chas M. Cahill  
Chas M. Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

J. M. Frank 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  
Laura Baumgartner, City Clerk