

★ Roll Call Number

24-0358

Agenda Item Number

48

Date March 4, 2024

RESOLUTION TO DISMISS HEARING FOR APPROVAL OF DOCUMENTS FOR ENTERING INTO A WAIVER OF DISTANCE SEPARATION EASEMENT AGREEMENT WITH AND CONVEYING TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY A WAIVER OF DISTANCE SEPARATION EASEMENT AND ACKNOWLEDGEMENT BY DES MOINES AREA REGIONAL TRANSIT AUTHORITY ON PROPERTY LOCATED AT 3500 VANDALIA ROAD FOR \$1.00

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain excess real estate locally known as 3500 Vandalia Road, Des Moines, Iowa, (hereinafter “Property”), more particularly described below; and

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority requested the City enter into the Waiver of Distance Separation Easement Agreement (“Agreement”), granting the Waiver of Distance Separation Easement before conveying the property to Des Moines Area Regional Transit Authority (“DART”). DART has signed acknowledging the Waiver of Distance Separation Easement Agreement and being bound by the terms of the Agreement; and

WHEREAS, the Easement was to be conveyed in accordance with Iowa Code §364.7(3) for \$1.00 and other good and valuable consideration; and

WHEREAS, on February 19, 2024 by Roll Call No. 24-0246, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed Agreement be set down for hearing on March 4, 2024, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, the original legal description of the Property contained in the Agreement granting the Waiver of Distance Separation Easement included property that is needed by the City of Des Moines for right-of-way purposes associated with the widening of Southeast 36th Street for the Southeast Connector Project and should not be conveyed; and

WHEREAS, extra time is needed to give Notice of the new legal description for the Agreement and Waiver of Distance Separation Easement to the Des Moines Metropolitan Wastewater Reclamation Authority.

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

1. Upon due consideration of the need for the City of Des Moines to retain a portion of 3500 Vandalia Road for additional Southeast 36th Street right-of-way purposes and to allow time for Notice of the new legal description, this hearing is hereby dismissed.

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Moved by Gatto to adopt.

Second by Voss.

APPROVED AS TO FORM:

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

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

MOTION CARRIED APPROVED

Connie Boesen 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