



Roll Call Number

24-0443

Agenda Item Number

42

Date March 18, 2024

HOLD HEARING FOR APPROVAL OF 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; and

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority has 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 is being conveyed in accordance with Iowa Code §364.7(3) for \$1.00 and other good and valuable consideration; and .

WHEREAS, on March 4, 2024 by Roll Call No. 24-0333, 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 March 18, 2024, 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 enter into an Agreement and 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 Waiver of Distance Separation Easement Agreement and conveyance of a Waiver of Distance Separation Easement located at 3500 Vandalia Road, Des Moines, Iowa as described herein, are hereby overruled and the hearing is closed.



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2. The public would not be inconvenienced by reason of the Waiver of Distance Separation Easement Agreement and conveyance of the Waiver of Distance Separation Easement at 3500 Vandalia Road, Des Moines, Iowa, as legally described, to the Des Moines Metropolitan Wastewater Reclamation Authority, with acknowledgement made by Des Moines Area Regional Transit Authority, and for the consideration identified below, subject to a reservation of easements therein and said agreement and conveyance is hereby approved:

Grantee: Des Moines Metropolitan Wastewater Reclamation Authority

Consideration: \$1.00

Legal Description: **-EXCEPT** EAST 20 FEET-, THE NORTH 229 FEET OF LOT 74, AND **-EXCEPT** EAST 20 FEET-, ALL OF LOTS 67 THROUGH 73, AND ALL OF LOTS 75 THROUGH 102, AND ALL OF VACATED LOTS "A" AND "B", AND **-EXCEPT** THE EAST 45 FEET-, ALL OF VACATED LOT "D", ALL IN VANDALIA ACRES PLAT NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 37.7 ACRES (1,642,149 SQUARE FEET).

3. The Mayor is authorized and directed to sign the Waiver of Distance Separation Easement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Easement, 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 sending the document to the Des Moines Metropolitan Wastewater Reclamation Authority for signature.
5. Upon receipt of the signed document from the Des Moines Metropolitan Wastewater Reclamation Authority, the Real Estate Division Manager is authorized and directed to forward the original of the Easement, 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 Easement and copies of the other documents to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Regional Transit Authority.
7. There are no easement proceeds associated with this transaction.



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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

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

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.

Connie Brewer Mayor

Laura Baumgartner City Clerk