



AGENDA ITEM FORM

SUBJECT: Polk County Request for Saylorville Water Treatment Plant Land Transfer and Temporary Easement

SUMMARY:

- Polk County is reconstructing and widening NW 26th Street south of 66th Avenue as a portion of their Phase 3 of the NW 66th Avenue/Kempton Bridge Reconstruction Project.
- DMWW has requested Polk County raise the elevation of NW 26th Street from NW 66th Avenue to our driveway at the Saylorville Water Treatment Plant to 100-year flood elevation.
- DMWW has paid Polk County to complete the roadway design with the intention of DMWW reimbursing Polk County for the additional cost of the elevation adjustment.
- The 28E Agreement was addressed for DMWW's work related to this project, including water main connection, road elevation adjustment, and fiber optic relocation, as another action item of the October 24, 2017 Board of Trustees Meeting.
- To facilitate raising the elevation of the roadway, a strip of DMWW's Saylorville Water Treatment Plant property along the west side of NW 26th Street and a temporary easement for construction adjacent to the above-described piece of land is needed.
- The date of the Public Hearing for Transfer of Real Estate at Saylorville Water Treatment Plant was set at the September 26th Board Meeting.
- Notice of Public Hearing on Transfer of Real Estate was published in the Des Moines Register on October 18, 2017.
- The attached resolution prepared by our legal counsel is therefore now proposed for Board action approving the transfer of the property.

FISCAL IMPACT:

The above mentioned real estate will be transferred to Polk County, Iowa, as DMWW's contribution to Polk County as outlined in the 28 E Agreement in another Board Action Item for the October 24, 2017 Board Meeting.

RECOMMENDED ACTION:

Authorize the Chairperson to execute the document that grants a temporary easement to Polk County, Iowa, at Saylorville Water Treatment Plant. Adopt the foregoing resolution approving the transfer of the above described property at Saylorville Water Treatment Plant.

BOARD REQUIRED ACTION:

- Authorize the Chairperson to execute the document that grants a temporary easement to Polk County, Iowa, at Saylorville Water Treatment Plant.
- Public Hearing – Opened by Chairperson for comments from the public regarding the transfer of Water Works' real estate. Chairperson closes hearing.
- Motion to adopt the resolution set out in attachment approving transfer of title of property.

_____ / _____ (date)	_____ / _____ Danny J. Klopfer, P.E. (date) Engineering Services Manager	_____ / _____ (date) William G. Stowe CEO and General Manager
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TEMPORARY EASEMENT FOR CONSTRUCTION

The Board of Water Works Trustees of the City of Des Moines, Iowa (“Grantor”), a municipal utility Organized and existing under Chapter 388, Code of Iowa, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration does hereby grant onto **Polk County, Iowa** (“Grantee”), a political subdivision of the State of Iowa, a Temporary Easement for the purposes of the construction of the Polk County NW 66th Widening Project, Phase 3 and related activity (the “Project”) under, over, through and across the following described property situated in the County of Polk and State of Iowa, to-wit:

A PARCEL OF LAND LOCATED IN A PART OF PARCEL “A” AND PARCEL “G” OF LOTS 2 AND 5 OF JOHN JUVENAL ESTATE, AN OFFICIAL PLAT, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10524, PAGE 763, IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 00° 14' 57" WEST ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 349.21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL “A”; THENCE NORTH 89° 45' 03" WEST ALONG THE NORTH LINE OF PARCEL “A”, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 14' 57" WEST, 986.74 FEET; THENCE NORTH 89° 45' 03" WEST, 20.00 FEET; THENCE NORTH 00° 14' 57" EAST, 986.74 FEET TO SAID NORTH LINE; THENCE SOUTH 89° 45' 03" EAST ALONG SAID NORTH LINE, 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.45 ACRES.

NOTE: THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4 IS ASSUMED TO BEAR SOUTH 00° 14' 57" WEST.

(the “Easement Area”)

It is understood and agreed that this Temporary Easement allowing entry in, upon and onto the Easement Area shall be in effect beginning on the date that the Grantor signs this document until completion of construction of Project and the Grantee's performance of its obligation hereunder.

It is understood that, upon completion of the Project, the Grantee shall restore the Easement Area to its original condition as reasonably possible, including but not limited to restoration of grass by sodding or seeding, replacement of concrete or asphalt driveways removed for grading or access purposes, and replacement of fences or other structures that may be removed or damaged by the Grantee or its permitted parties during the course of construction.

This Easement shall be binding on Grantor and on Grantor's successors and assigns during construction of the Project.

It is further understood and agreed that the Grantee and its permitted parties will remove all of materials and equipment from the Easement Area premises within ten (10) days after the Project has been completed.

The Grantor states and warrants that there are no tenants on the property within which the Easement Area is located.

Dated: _____, 2017.

**BOARD OF WATERWORKS TRUSTEES OF THE CITY OF
DES MOINES, IOWA**

By: _____
Susan R. Huppert, Chairperson

By: _____
William G. Stowe, CEO & General Manager

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared Susan R. Huppert and William G. Stowe, to me personally known, and, who being by me duly sworn, did say that they are the Board Chairperson and the Chief Executive Officer and General Manager of the Board of Water Works Trustees of the City of Des Moines, Iowa, that no seal has been procured by the entity; that the attached instrument was signed on behalf of the said entity by authority of its Board as contained in the resolution adopted by the Board on the _____ day of _____, 2017, and that Susan R. Huppert and William G. Stowe acknowledged the execution of the instrument to be the voluntary act and deed of the Board of Water Works Trustees of the City of Des Moines, Iowa, by it and by them voluntarily executed.

Notary Public in and for Polk County, Iowa

Return To:

Prepared by: Richard A. Malm, 1600 Hub Tower, 699 Walnut Street, Des Moines, IA 50309-3986 (515) 246-4516

**CERTIFICATE OF RESOLUTION AUTHORIZING TRANSFER OF REAL
ESTATE As DESCRIBED IN EXHIBIT A**

I, William G. Stowe, as CEO, General Manager and Board Secretary of the Board of Water Works Trustees of the City of Des Moines, Iowa, a municipal utility, existing under Chapter 388, Code of Iowa (“DMWW”), **DO HEREBY CERTIFY:**

That on October, 24 2017, a meeting of the Board of Trustees of DMWW was duly called and held at 2201 George Flagg Parkway, Des Moines, Iowa 50321, at which a quorum was present, and that Notice of Public Hearing had been previously published with respect thereto as shown in the Affidavit of Publication attached hereto, and that a Public Hearing was held as set forth in such Notice of Public Hearing, and that thereafter the following resolution was adopted by said Board of Trustees, to wit:

WHEREAS, real estate, described as set forth in Exhibit A attached hereto (the “Property”), is held in the name of the City of Des Moines, Polk County, Iowa, for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa;

WHEREAS, the Property is part of a parcel used as the site of DMWW’s Saylorville Water Treatment Plant (“SWTP”);

WHEREAS, DMWW desires that improvements be made to the public highway that serves as access to the SWTP in order to raise the elevation thereof to enhance access in times of flood, and further desires that such work be done as a part of the Polk County NW 66th Avenue Widening Project –Phase 3 (the “Project”) to be constructed by Polk County, Iowa;

WHEREAS, in order to raise the elevation and widen the subject highway, Polk County requires an expanded right of way to include the Property;

WHEREAS, DMWW and Polk County have entered into a 28E Agreement with respect to the Project to evidence agreements undertaken for their mutual benefit and convenience; and

WHEREAS, DMWW considers the completion of the Project as provided by the 28E Agreement, and the dedication and transfer of the Property to Polk County for use as highway right of way in exchange for the consideration of the mutual agreements set forth in the 28E Agreement to be in the best interest of DMWW.

BE IT RESOLVED, that the transfer and conveyance of the Property to Polk County, Iowa, for and in consideration of One Dollar (\$1.00) and other valuable consideration as set forth above is approved, confirmed, and ratified and the Chairperson is authorized and directed to execute a Quit Claim Deed transferring the Property to Polk County, Iowa, and the CEO and General Manager is authorized and directed to attest to the Chairperson’s signature and to deliver the said Deed to such purchaser.

IN WITNESS WHEREOF, I have hereunto set my hand in the city of Des Moines, State of Iowa, on October 24, 2017

William G. Stowe,
CEO, General Manager and Board
Secretary

Prepared by: Robert Rice, Polk County Public Works, 5885 NE 14th Street, Des Moines, IA 50313, 515-286-3705
Tax Statement to: Polk County, 111 Court Avenue, Des Moines, Iowa

SPACE ABOVE THIS LINE FOR RECORDER

QUIT CLAIM DEED

For the consideration of One Dollar (\$1.00) and other valuable consideration, **City of Des Moines, Iowa for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa, (“Grantor”)** does hereby quit claim to **Polk County, Iowa (“Grantee”)** all of the grantor’s right, title, interest, estate, claim and demand in the following described real estate in Polk County, Iowa:

See Attached Exhibit “A”

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated: _____, 2017.

BOARD OF WATERWORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA

By: _____
Susan R. Huppert, Chairperson

By: _____
William G. Stowe, CEO & General Manager

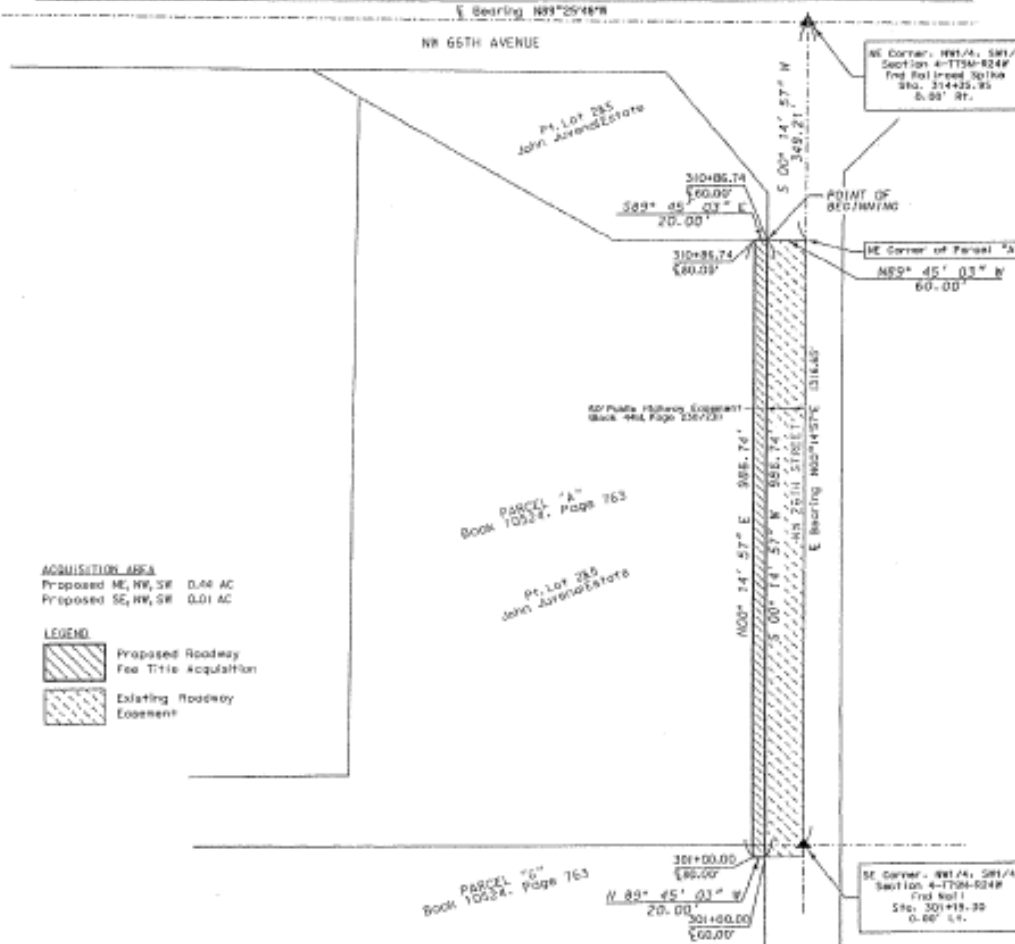
STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared Susan R. Huppert and William G. Stowe, to me personally known, and, who being by me duly sworn, did say that they are the Board Chairperson and the Chief Executive Officer and General Manager of the Board of Water Works Trustees of the City of Des Moines, Iowa, that no seal has been procured by the entity; that the attached instrument was signed on behalf of the said entity by authority of its Board as contained in the resolution adopted by the Board on the _____ day of _____, 2017, and that Susan R. Huppert and William G. Stowe acknowledged the execution of the instrument to be the voluntary act and deed of the Board of Water Works Trustees of the City of Des Moines, Iowa, by it and by them voluntarily executed.

Notary Public in and for Polk County, Iowa

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

COUNTY POLK STATE CONTROL NO. _____
PROJECT NO. STP-S-CO77(217)-5E-77 PARCEL NO. 22
SECTION 4 TOWNSHIP 79 NORTH RANGE 24 WEST
ROW-FEE 0.45* AC. EASE _____ AC EXCESS-FEE _____
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____
ACQUIRED FROM CITY OF DES MOINES BOARD OF WATER WORKS TRUSTEES
*DDES NOT INCLUDE 1.35 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY



ACQUISITION AREA
Proposed NE, NW, SW 0.44 AC
Proposed SE, NW, SW 0.01 AC

LEGEND
[Hatched Box] Proposed Roadway Fee Title Acquisition
[Dotted Box] Existing Roadway Easement

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Eric J. Miller 5-24-17
ERIC J. MILLER DATE:
License number 19515
My License Renewal Date is December 31, 2018
Pages covered by this seal:
EXHIBIT "A" ONLY



DATE REVISED _____
DATE DRAWN MAY 22, 2017 SCALE 1" = 200'

DESCRIPTION OF ATTACHED PLAT FOR PARCEL NO. 22

POLK COUNTY

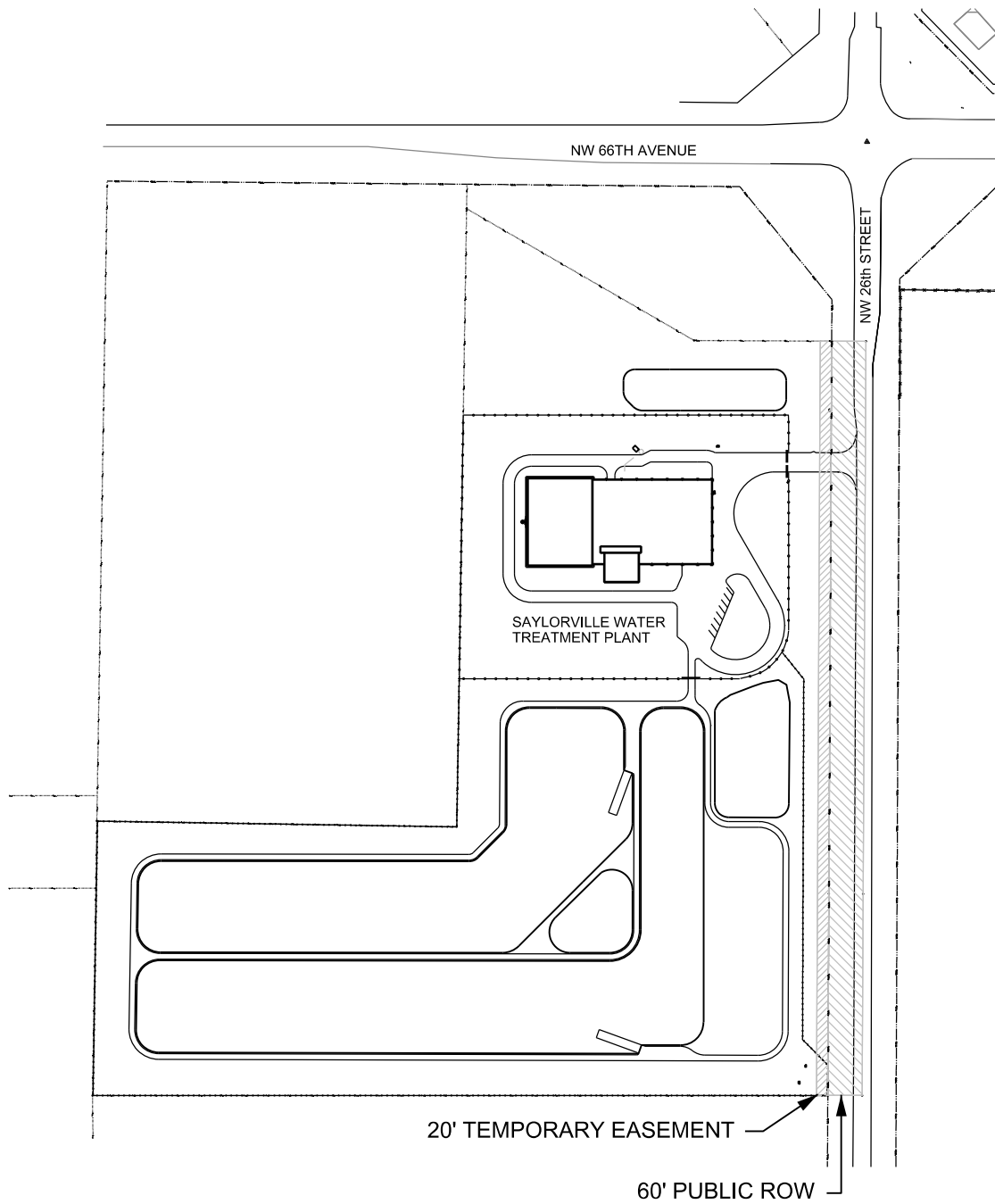
PROJECT NO. STP-S-C077(217)-5E-77

THE FEE SIMPLE TITLE GRANTED FOR HIGHWAY PURPOSES IS TO LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN A PART OF PARCEL "A" AND PARCEL "G" OF LOTS 2 AND 5 OF JOHN JUVENAL ESTATE, AN OFFICIAL PLAT, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10524, PAGE 763, IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA AS SHOWN ON THE ACQUISITION PLAT EXHIBIT "A", ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.; THENCE SOUTH 00° 14' 57" WEST ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 349.21 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE NORTH 89° 45' 03" WEST ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF NW 66TH AVENUE AND TO THE POINT OF BEGINNING; THENCE SOUTH 00° 14' 57" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 986.74 FEET; THENCE NORTH 89° 45' 03" WEST, 20.00 FEET; THENCE NORTH 00° 14' 57" EAST, 986.74 FEET TO SAID NORTH LINE; THENCE SOUTH 89° 45' 03" EAST ALONG SAID NORTH LINE, 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.45 ACRES.

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Des Moines :
Water Works
 Water You Can Trust for Life
 ENGINEERING DEPARTMENT
 Des Moines, Iowa

POLK COUNTY REQUEST FOR
 SAYLORVILLE WATER
 TREATMENT PLANT
 LAND TRANSFER AND
 TEMPORARY EASEMENT