CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **August 5, 2019**

ITEM: Resolution - Approval for Conveyance of Property Interests pursuant to 28E Agreement No. M511711, filed on May 29, 2019 with the Iowa Secretary of State, to the City of Waukee

FINANCIAL IMPACT: Previously agreed-upon amount in the 28E Agreement.

SYNOPSIS: On May 20, 2019, the West Des Moines City Council approved a 28E Agreement with the City of Waukee related to the Ashworth Road Reconstruction - I-80 Bridge to 98th Street Project, Project No. 0510-074-2017. Pursuant to the 28E Agreement, the City of West Des Moines is obligated to convey the right-of-way obtained for the project that lies within the Waukee corporate limits to the City of Waukee. The attached Resolution authorizes the Mayor to sign the conveyance documents and authorizes the City Clerk to attest to the Mayor's signature.

RECOMMENDATION:

Adopt the resolution approving the conveyance of property interests within the Waukee corporate limits obtained for the Ashworth Road Reconstruction – I-80 Bridge to 98th Street Project, Project No. 0510-074-2017, to the City of Waukee.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	July 24, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

RESOLUTION APPROVING THE CONVEYANCE OF PROPERTY INTERESTS PURSUANT TO THE 28E AGREEMENT BETWEEN THE CITIES OF WAUKEE AND WEST DES MOINES FOR THE ASHWORTH ROAD RECONSTRUCTION – I-80 BRIDGE TO 98TH STREET PROJECT, PROJECT NO. 0510-074-2017

WHEREAS, the City of West Des Moines obtained private property interests within the City of Waukee for the construction of the Ashworth Road Reconstruction - I-80 Bridge to 98th Street Project, Project No. 0510-074-2017; and

WHEREAS, pursuant to the 28E Agreement between the cities of West Des Moines and Waukee, approved by the West Des Moines City Council on May 20, 2019 and filed with the Iowa Secretary of State on May 29, 2019, No. M511711, the City of West Des Moines is obligated to convey property interests acquired for the project located within the Waukee corporate limits to the City of Waukee; and

WHEREAS, the following described property is to be conveyed to the City of Waukee:

That part of Parcel A in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2018, Page 21452;

That part of Parcel B in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 2021;

That part of the NE¼ of the NW¼ in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 2185;

The Permanent Storm Sewer Easement located in a portion of the NE¼ of the NW¼ in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 2186;

The Permanent Storm Sewer Easement located in a portion of the NW¼ of the NW¼ in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 1246, and

That part of the NE¼ of the NW¼ in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 2917; and

The Permanent Storm Sewer Easement located in a portion of the NE¼ of the NW¼ in Section 10, Township 78 North, Range 26 in the City of Waukee as shown in Book 2019, Page 2918; and

all as shown in the records of the Office of the Dallas County, Iowa Recorder; and

WHEREAS, pursuant to Code of Iowa Sections 362.3 and 364.7, publication of notice for conveyance of the property, described above has been made; and

WHEREAS, this being the time and place for a public hearing regarding conveyance of the Property; and

WHEREAS, the City Council of the City of West Des Moines, Iowa finds that conveyance of the property as described above to the City of Waukee in fulfillment of the 28E Agreement between the Parties is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 364.7, publication of notice regarding conveyance of the Property has been properly made and the public hearing regarding conveyance of the Property is hereby closed.

2. Conveyance of the Property to the City of Waukee is approved.

3. The Mayor is authorized to sign the conveyance documents and the City Clerk is directed to attest to the Mayor's signature.

4. The documents shall be recorded with the Dallas County Recorder as appropriate.

PASSED AND ADOPTED this 5th day of August, 2019.

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Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk