



## WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

**DATE:** October 16, 2017

**ITEM:**

4. Construction Project Actions  
f. Resolution – Accepting Temporary and Permanent  
Easement and Right-of-Way for Water Main

**FINANCIAL IMPACT:**

None

**SUMMARY:**

This action will approve the easement documents. With this action, the Water Works will have the necessary property rights to proceed with installation of connection fee district water main along Mills Civic Parkway near future 85th Street. The area acquired is part of the ultimate right-of-way for Mills Civic Parkway.

**BACKGROUND:**

West Des Moines Water Works requires an access easement to allow staff to access and operate water infrastructure located outside of the public right-of-way.

**RECOMMENDED ACTION BY THE BOARD OF TRUSTEES:**

To Adopt the Resolution Entitled "A Resolution Accepting Temporary and Permanent Easement and Right-of-Way for Water Main".

Prepared by:

*William J. Mabuse*

Approved for Content by:

*D. Wilson*

## **RESOLUTION**

### **A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES**

**WHEREAS**, Hurd West Glen, LLC, has granted a temporary and permanent easement and right-of-way for water main to the West Des Moines Water Works, and

**WHEREAS**, documents conveying the easements have been signed by the property owners and are presented to the Water Works for approval; and

**WHEREAS**, the acquisition of these easements will allow the West Des Moines Water Works to place proposed water main and appurtenances outside of the currently anticipated future pavement area, thus allowing for lower anticipated future maintenance and repair costs.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE WEST DES MOINES WATER WORKS, AS FOLLOWS:**

That said water main easement is hereby accepted by the West Des Moines Water Works to allow for future access for operation of water distribution system facilities.

**PASSED AND APPROVED** this 16<sup>th</sup> day of October, 2017

**BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS**

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Karen Novak Swalwell  
Chair

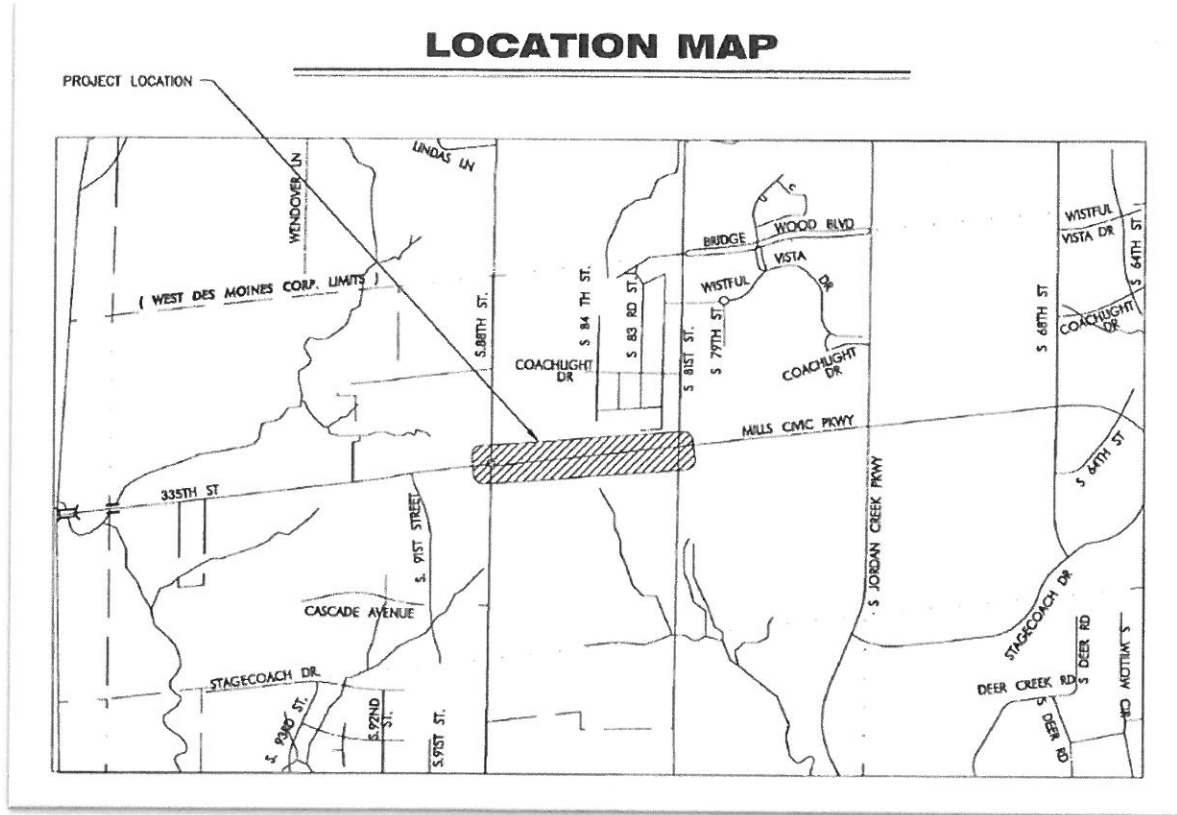
Attest:

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Diana Wilson  
Secretary



## Location Map



Prepared by and return to after recordation:  
*Bill* West Des Moines Water Works, 4200 Mills Civic Parkway, Suite 1D, West Des Moines, IA 50265, (515) 222-3510

**TEMPORARY AND PERMANENT EASEMENT  
AND RIGHT OF-WAY FOR WATER MAIN**

KNOW ALL MEN BY THESE PRESENTS:

THAT Hurd West Glen, LLC, of the County of Dallas, and State of Iowa, hereinafter referred to as the Grantor, in consideration of the sum of one and no/100 Dollar (\$1.00), in hand paid by the CITY OF WEST DES MOINES, an Iowa Municipal Corporation, acting through its Board of Water Works Trustees, hereinafter referred to as City, receipt of which is hereby acknowledged, does sell, grant and convey to the City a permanent water main easement and right-of-way (hereinafter called "Easement") upon, over, under, through, and across the following described real property, and also including the right of ingress and egress over adjoining lands of Grantor, to wit:

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 1 OF SUNSET RIDGE, AN OFFICIAL PLAT OF THE W1/2 OF THE SW1/4 OF SECTION 14 AND THE W1/2 OF THE NW1/4 OF SECTION 23 ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS;

BEGINNING AT THE NE CORNER OF SAID LOT 1, THENCE S00°30'34"W ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 40.65', THENCE WESTERLY ALONG A 2082.50' RADIUS CURVE TO THE RIGHT A DISTANCE OF 101.09', SAID CURVE HAVE A CHORD WHICH BEARS N89°34'02"W AND A LENGTH OF 101.08', THENCE N00°00'00"E A DISTANCE OF 28.60' TO A POINT ON THE NORTH LINE OF SAID LOT 1, THENCE N83°39'07"E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 102.07" TO THE POINT OF THE BEGINNING, CONTAINING 0.08 ACRES SUBJECT TO ANY EASEMENTS OF RECORD.

for the construction of a water main or water mains and appurtenances thereto (hereinafter called the "Facility") and to permit and allow the City, and others working on its behalf, to enter at any

time upon and into the easement area described herein, and to use as much of the surface and subsurface thereto as is reasonably needed to construct, replace, reconstruct, inspect, repair, maintain and operate whenever necessary, the Facility within the easement area granted herein, but for no other purpose or use whatsoever.

The undersigned further gives and grants to the City of West Des Moines, Iowa, a temporary construction easement over, under, through, and across the following described real property, and also including the right of ingress and egress over adjoining lands of Grantor, to wit:

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 1 OF SUNSET RIDGE, AN OFFICIAL PLAT OF THE W1/2 OF THE SW1/4 OF SECTION 14 AND THE W1/2 OF THE NW1/4 OF SECTION 23 ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS;

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for the purpose of constructing the Facility. Said temporary construction easement shall be for a period of twelve months from and after the date of the execution hereof and at the termination of said period, the temporary construction shall cease, except for the rights granted under the perpetual easement granted herein.

**THAT** the work of constructing, replacing, relocating, rebuilding, reconstructing, repairing, maintaining and operating said Facility will be done with care and that the surfaces of the ground of the easement and adjoining lands used for ingress and egress shall be restored to substantially their original condition as possible after such work has been completed.

**THAT** no permanent improvement shall be constructed or placed upon the above-described permanent easement by the Grantor and that if any such permanent improvement is constructed or placed thereon, in violation of this easement, the City shall in no way be responsible for any damages thereto resulting from the construction, replacement, reconstruction, inspection, repair, maintenance or operation of the Facility.

**THAT** the within easement grant shall run with the land and be binding upon the heirs, assignees and transferees of the Grantor herein and shall be permanent unto the City.

**GRANTOR** covenants with the City that it holds the above described real property by good

and perfect title, free and clear of all liens and encumbrances and that the Grantor has a good right and lawful authority to make and execute this Easement herein. Grantor warrants and defends this Easement against the lawful claims of all persons.

**WORDS** and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

**IN WITNESS WHEREOF**, Grantor has executed this instrument on this 18 day of 9, 2017.

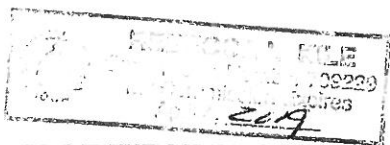
Hurd West Glen, LLC

By: [Signature]

By: \_\_\_\_\_

STATE OF IOWA           )  
  ) SS  
COUNTY OF DALLAS    )

On this 18 day of Sept, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard Hurd and \_\_\_\_\_, to me known to be the identical person(s) named in and who executed the foregoing instrument; and acknowledges that (he) (she) (they) executed the instrument as (his) (her) (their) voluntary act and deed.



[Signature]  
Notary Public in and for the State of Iowa

**CITY OF WEST DES MOINES, IOWA**

I, Diana J. Wilson, General Manager of West Des Moines Water Works, do hereby certify that the within and foregoing Easement was duly approved and accepted by me on behalf of West Des Moines Water Works on the \_\_\_\_\_, day of \_\_\_\_\_, 2017.

[Signature]  
Diana J. Wilson  
General Manager, West Des Moines Water Works, West Des Moines, IA

## ACQUISITION PLAT-WATER MAIN EASEMENT

## INDEX LEGEND

COUNTY: DALLAS

SECTION: 14-T78N-R26W

PROJECT NO. 00800-0170-17008

PARCEL NO: 1-P

PROPRIETOR: HURD WEST GLEN, LLC

REQUESTED BY: WEST DES MOINES WATER WORKS

PREPARED BY: JAMES E. NORMAN-500 EAST TAYLOR

RETURN TO: CRESTON, IA 50801-(641)-782-4004

FOR RECORDER USE ONLY

SHEET 1 OF 1

PARCEL 1-P

NOTE: THE BEARINGS ON THIS SURVEY HAVE BEEN DETERMINED BY GPS.

- △ DENOTES LAND CORNER FOUND (AS NOTED)
- DENOTES IRON PIN FOUND (AS NOTED)
- DENOTES 1/2" X 18" RE-ROD SET

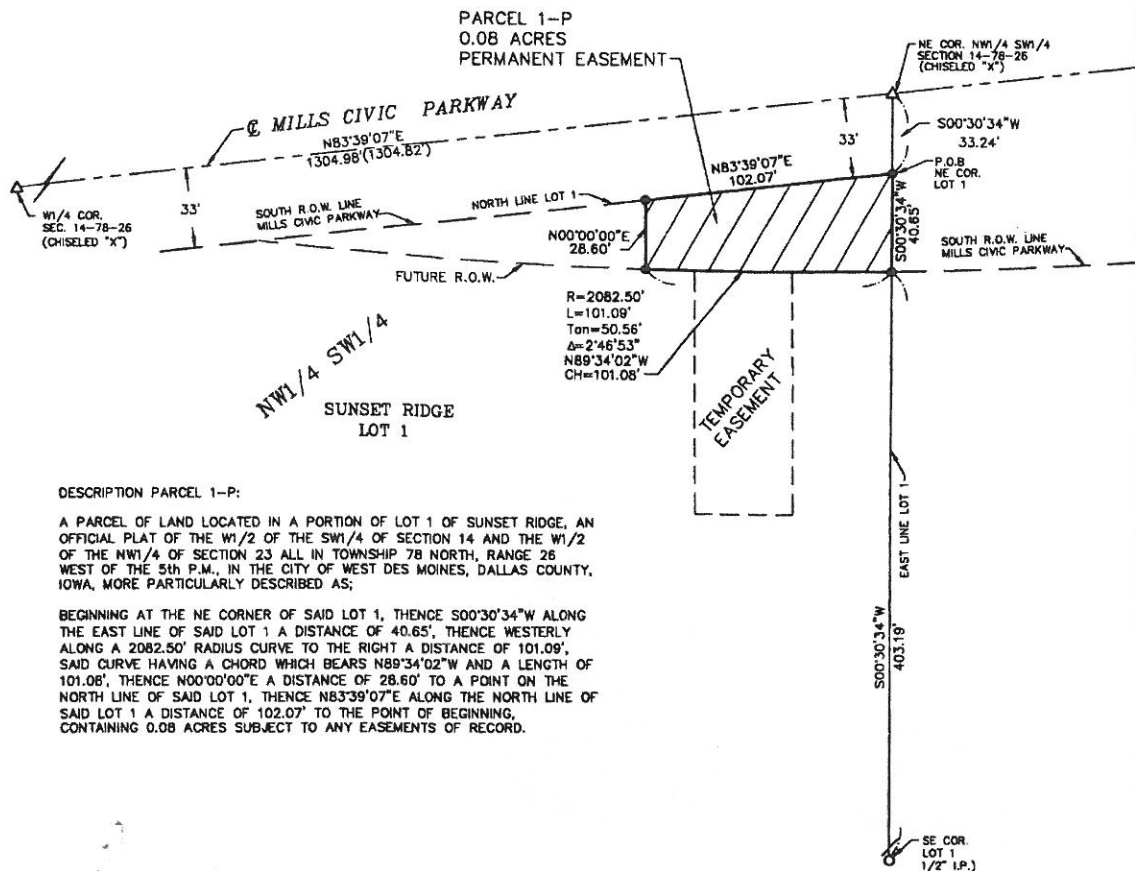
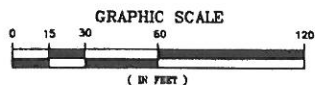
(100.0') DENOTES MEASUREMENT OF RECORD

100.00' DENOTES ACTUAL MEASUREMENT

NOTE: ALL IRON PINS SET ARE CAPPED WITH A YELLOW CAP #11808.

NOTE: ERROR OF CLOSURE PLAT IS WITHIN 1:5000 ON THIS PLAT.

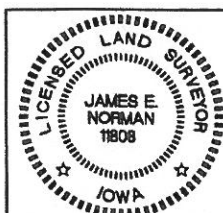
MILLS CIVIC PARKWAY  
WATER MAIN EXTENSION  
81ST STREET TO 88TH STREET  
PROJECT NO. 00800-170-17008



## DESCRIPTION PARCEL 1-P:

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I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED 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.

*James E. Norman* 7-25-17  
JAMES E. NORMAN, L.S. DATE

LICENSE NUMBER 11808

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017

PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1

SURVEY FOR: WEST DES MOINES WATER WORKS  
4200 MILLS CIVIC PARKWAY  
SUITE 1D  
WEST DES MOINES, IA. 50265

PROJ. NO. 17-2075

DATE: 6-26-17

Mid-State Surveying  
and Consulting, Inc.  
500 EAST TAYLOR  
CRESTON, IOWA 50801  
641-782-4004

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## INDEX LEGEND

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PROJECT NO. 00800-170-17008

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PREPARED BY: JAMES E. NORMAN-500 EAST TAYLOR

RETURN TO: CRESTON, IA 50801-(641)-782-4004

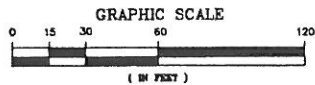
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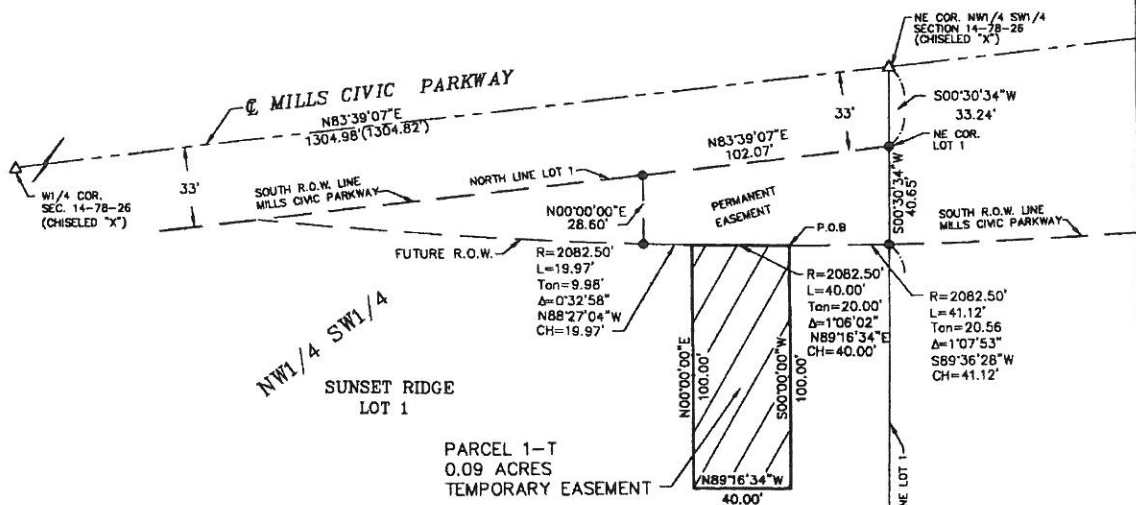
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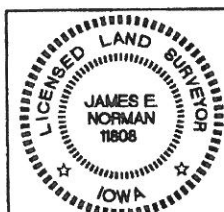
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