



WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: October 16, 2017

ITEM:

4. Construction Project Actions

g. Resolution

– Accepting Permanent Easement and Right-of-Way for Water Main

FINANCIAL IMPACT:

None

SUMMARY:

This action will approve the easement documents allowing for the installation of a pressure reducing / sustaining manhole to be located at the SW corner of 88th Street and Cody Drive. Due to its size, the manhole needs to be located in easement instead of the public right-of-way.

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 Permanent Easement and Right-of-Way for Water Main".

Prepared by:

A handwritten signature in dark ink, appearing to read 'William J. Mahoney', written over a horizontal line.

Approved for Content by:

A handwritten signature in dark ink, appearing to read 'J. Wilson', written over a horizontal line.

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, Della Vita, LLC, has granted a 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 a pressure reducing / sustaining manhole and appurtenances outside of the public right-of-way, allowing for the establishment of the long-term water pressure in the Della Vita development.

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 construction and operation of water distribution system facilities.

PASSED AND APPROVED this 16th day of October, 2017

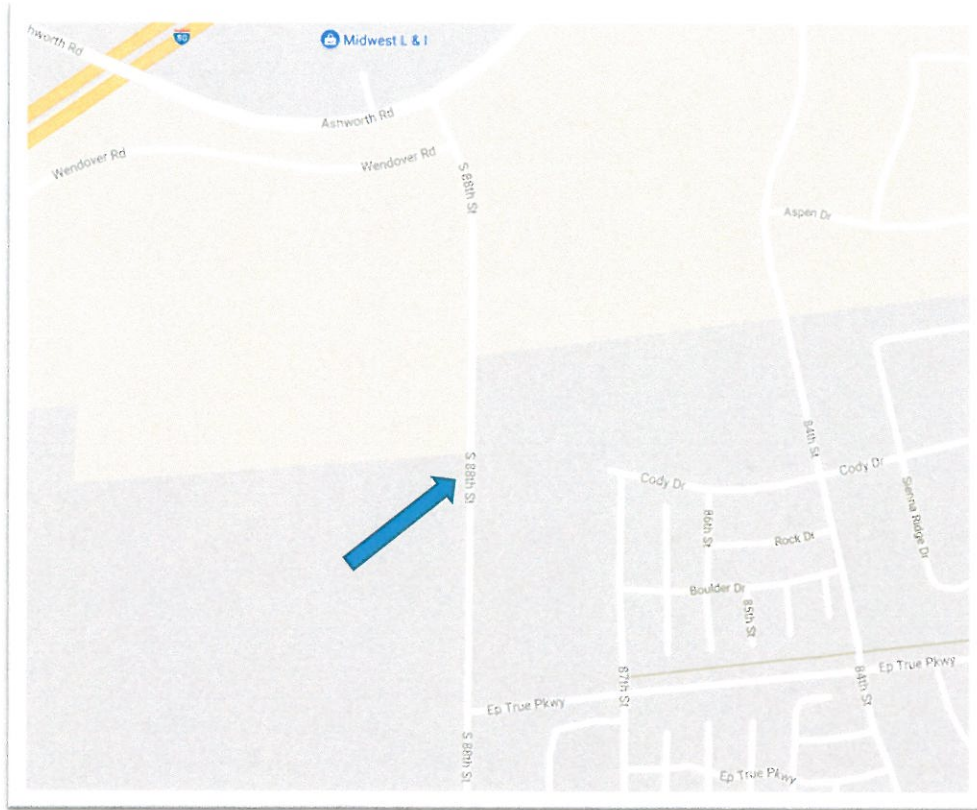
BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Karen Novak Swalwell
Chair

Attest:

Diana Wilson
Secretary

Location Map



Prepared by and return to after recordation:

West Des Moines Water Works, 4200 Mills Civic Parkway, Suite 1D, West Des Moines, IA 50265, (515) 222-3510

PERMANENT EASEMENT AND RIGHT OF-WAY FOR WATER MAIN

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, Della Vita, 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:

THE EAST 45.00 FEET OF THE NORTH 15.00 FEET OF LOT 1 MEASURED PARALLELL
WITH THE WEST LINE OF STREET LOT 'B' AND THE CENTERLINE OF STREET LOT
'A', DELLA VITA PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES,
DALLAS COUNTY IOWA.

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.

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 25 day of September, 2017.

DELLA VITA, LLC

By: Hubbell Realty Company, its Manager

By:

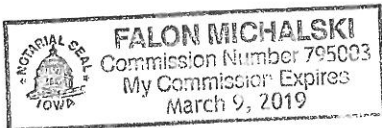
Joseph F. Pietruszynski, Vice President

By:

B.J. Miller, Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This record was acknowledged before me this 25 day of September, 2017, by Joseph F. Pietruszynski as Vice President, and B.J. Miller as Assistant Secretary of Hubbell Realty Company, an Iowa corporation, the Manager of **Della Vita, LLC**, an Iowa limited liability company.



Falon Michalski
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 29th day of September, 2017.

Diana J. Wilson
Diana J. Wilson

General Manager, West Des Moines Water Works, West Des Moines, IA