

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

**DATE:** November 20, 2017

**ITEM:**

5. Consent Agenda  
f. Resolution – Accepting Permanent Access Easement  
for Water Main and Appurtenances

**FINANCIAL IMPACT:**

None

**SUMMARY:**

As part of the development of the Kings Landing Plat 2 development, water mains were extended outside of the roadway right-of-way platted with the project. This easement provides appropriate access and operation rights for the segments of public water main which are outside the platted 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 Access Easement for Water Main and Appurtenances".

Prepared by:

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

Approved for Content by:

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

## **RESOLUTION**

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

**WHEREAS**, Kings Landing, LLC, has granted a permanent access easement for water main and appurtenances 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 operate and maintain water main and appurtenances outside of the City right-of-way.

### **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 20<sup>th</sup> day of November, 2017

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

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Karen Novak Swalwell  
Chair

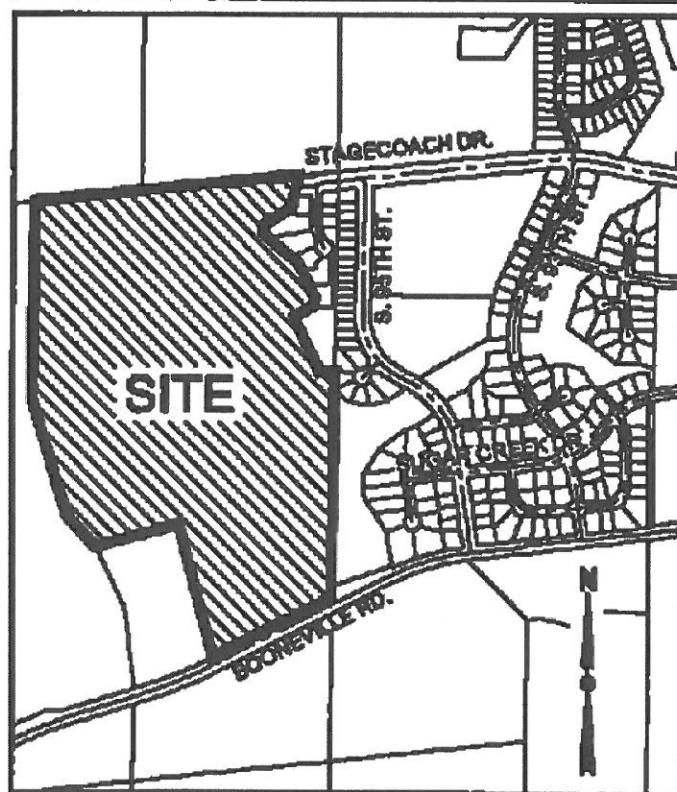
Attest:

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Diana Wilson  
Secretary

Location Map

**VICINITY MAP**



**WEST DES MOINES, IOWA**



Prepared by KTragesser City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320 515-222-3620  
Return to: West Des Moines Water Works, 4200 Mills Civic Parkway, Suite 1D, West Des Moines, IA 50265, (515)  
222-3510

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**PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES**

KNOW ALL MEN BY THESE PRESENTS:

**THAT Kings Landing LLC**, 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, Iowa**, 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 (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 PART OF LOT 106, KINGS LANDING PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 106; THENCE SOUTH 00°47'30" WEST ALONG THE EAST LINE OF SAID LOT 106, A DISTANCE OF 31.55 FEET; THENCE NORTH 44°12'30" WEST, 44.62 FEET TO THE NORTH LINE OF SAID LOT 106; THENCE SOUTH 89°12'30" EAST ALONG SAID NORTH LINE, 31.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (498 SQUARE FEET).

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 operate whenever necessary, the water main and appurtenances thereto within the easement area granted herein, but for no other purpose or use whatsoever.

**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.

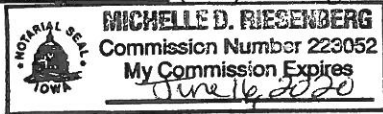
IN WITNESS WHEREOF, Grantor has executed this instrument on this 7<sup>th</sup> day of Nov, 2017

Kings Landing LLC

By: [Signature] / President - Vista Real Estate Investment Co.  
Printed David J Harmeyer Its Manager

STATE OF IOWA, COUNTY OF POLK

This record was acknowledged before me on November 7, 2017, by David Harmeyer,  
President (title) of Kings Landing LLC.



Michelle D. Riesenberger  
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 13, day of NOVEMBER, 2017.

[Signature]  
Diana J. Wilson

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