

WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: December 18, 2017

ITEM:

4. Consent Agenda
g. Resolution

– Accepting Permanent Access Easement
for Water Main and Appurtenances

FINANCIAL IMPACT:

None

SUMMARY:

As part of the development of the Preserve on Grand Plat 1 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:

William J. Mahoney

Approved for Content by:

J. Wilson

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, Diligent Grand Avenue 67, 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 18th day of December, 2017

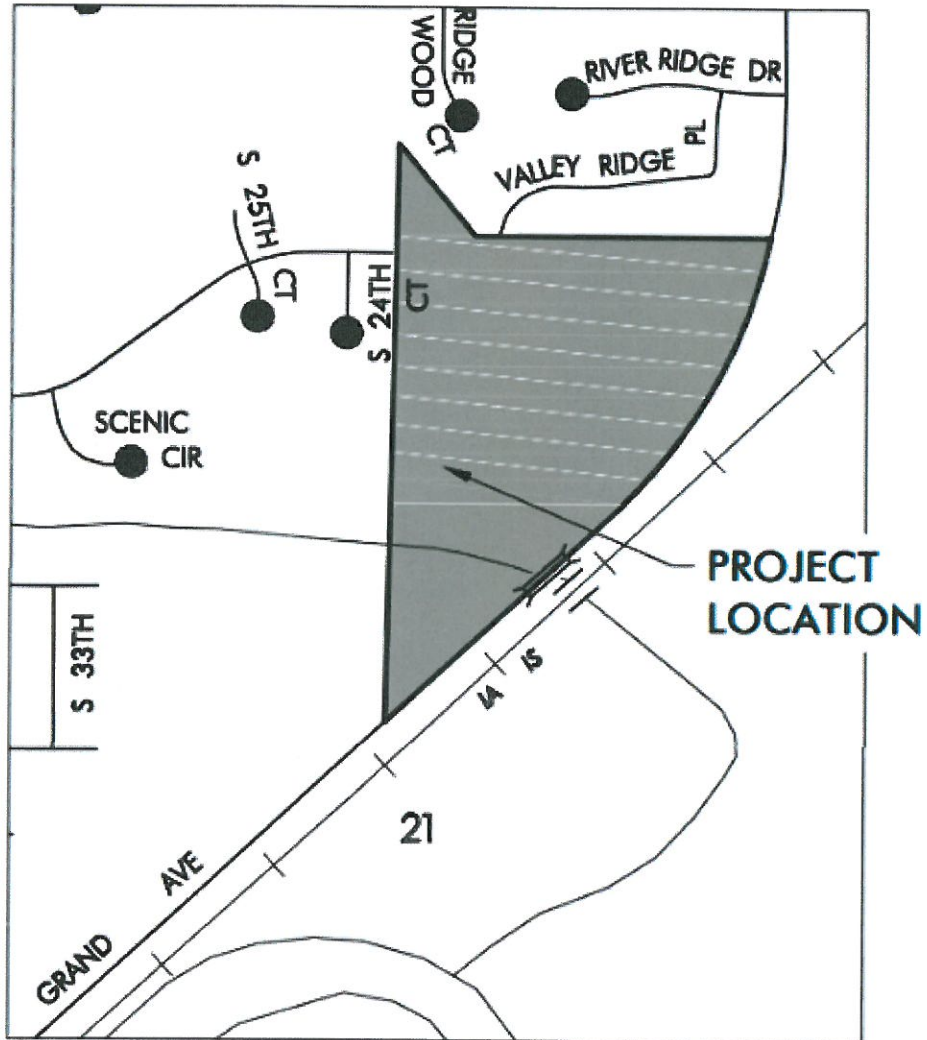
BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Karen Novak Swalwell
Chair

Attest:

Diana Wilson
Secretary

Location Map



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

PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

KNOW ALL MEN BY THESE PRESENTS:

THAT Diligent Grand Avenue 67, 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 PUBLIC WATER MAIN EASEMENT BEING A PART OF LOT 35 AND LOT 36 OF THE PRESERVE ON GRAND PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, COUNTY OF POLK, STATE OF IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 36 THENCE ALONG THE NORTH LINE OF SAID LOT 36 AND LOT 35 130.11 FEET ALONG A 635.00 FOOT RADIUS CURVE, CONCAVE NORTHEAST, CHORD BEARING N54°26'15"W, 129.88 FEET; THENCE S44°40'21"E, 133.62 FEET TO A POINT ON THE EAST LINE OF SAID LOT 36; THENCE ALONG SAID EAST LINE 22.74 FEET ALONG A 2060.00 FOOT RADIUS CURVE, CONCAVE SOUTHEAST, CHORD BEARING N31°00'32"E, 22.74 FEET TO THE POINT OF BEGINNING. DESCRIBED EASEMENT IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

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 5th day of December, 2017

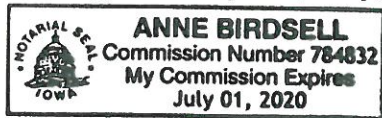
Diligent Grand Avenue 67, LLC

By: DILIGENT DEVELOPMENT GROUP, L.L.C.,
Manager

By: [Signature]
DAVID A. BROWN, Manager

STATE OF IOWA, COUNTY OF POLK

This record was acknowledged before me on December 5th, 2017, by David A. Brown, as a Manager of Diligent Development Group, L.L.C., the Manager, Diligent Grand Avenue 67, LLC.



[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 9, day of December, 2017.

[Signature]
Diana J. Wilson

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