

WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: June 18, 2018

ITEM:

4. Consent Agenda
c. Resolution

– Accepting Permanent Access Easement
for Water Main and Appurtenances

FINANCIAL IMPACT:

None

SUMMARY:

As part of the development of Elevate at Jordan Creek development, private water mains were extended outside of the roadway right-of-way. This easement provides appropriate access and operation rights for the 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 "Accepting Permanent Access Easement for Water Main and Appurtenances".

Prepared by:

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

Approved for Content by:

A handwritten signature in dark ink, which is illegible, is written over a horizontal line.

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, Community Business Lenders Service Company, 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 access the private water mains, located 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 June, 2018

BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Brian Rickert
Chair

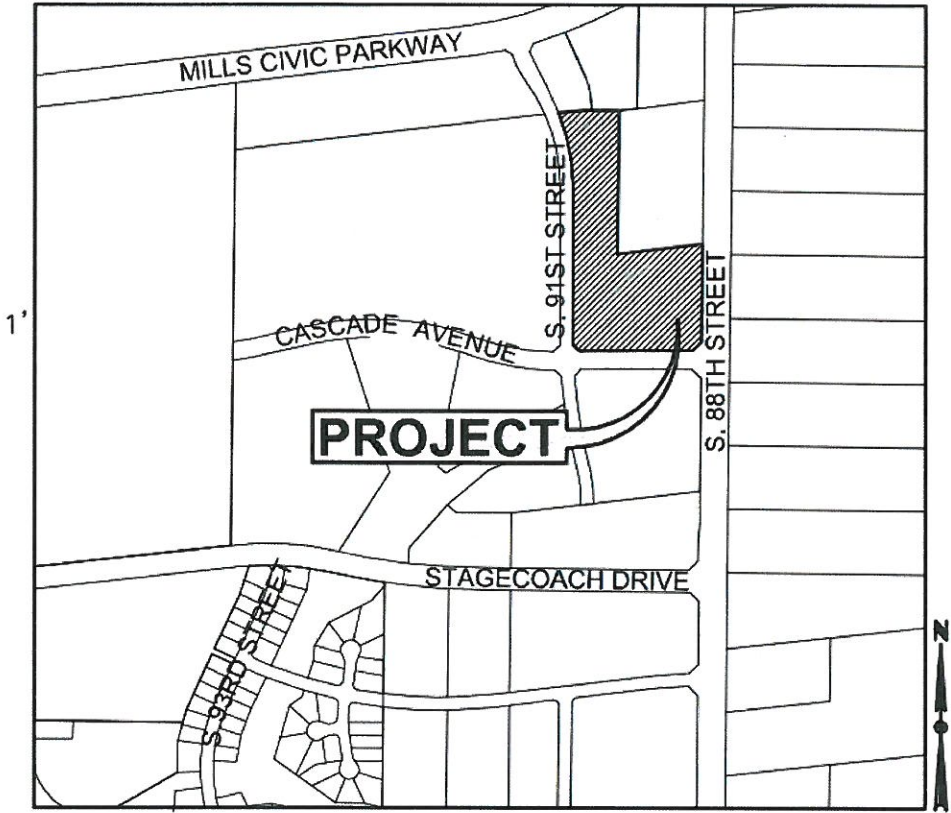
Attest:

Diana Wilson
Secretary

Location Map

VICINITY MAP

NOT TO SCALE



Doc ID: 007523810003 Type: EASE
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 Fee Amt: \$17.00 Page 1 of 3
 Dallas County Iowa
 Chad C. Airhart RECORDER
 File#
 BK 2018 PG 10408

Prepared by J.B. Munford 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 Community Business Lenders Service Company, 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 1, ELEVATE AT JORDAN CREEK, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA DESCRIBED AS A 15.00-FOOT-WIDE EASEMENT BEING 7.50 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE:
 COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, COINCIDENT WITH THE SOUTH LINE OF OUTLOT 'A', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 0°36'27" WEST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 41.22 FEET TO THE POINT OF BEGINNING; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 541.00 FEET, WHOSE ARC LENGTH IS 83.00 FEET AND WHOSE CHORD BEARS SOUTH 86°32'05" WEST, 82.92 FEET TO REFERENCE POINT 'A'; THENCE SOUTH 00°00'00" WEST, 821.92 FEET TO REFERENCE POINT 'B'; THENCE NORTH 90°00'00" EAST, 27.30 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 213.50 FEET, WHOSE ARC LENGTH IS 24.91 FEET AND WHOSE CHORD BEARS NORTH 86°39'27" EAST, 24.90 FEET; THENCE NORTH 83°18'54" EAST, 238.07 FEET; THENCE SOUTH 85°26'06" EAST, 43.61 FEET TO REFERENCE POINT 'C'; THENCE SOUTH 85°26'06" EAST, 10.22 FEET; THENCE NORTH 83°18'54" EAST, 155.54 FEET TO A POINT OF TERMINUS; BEGINNING AT REFERENCE POINT 'A'; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 541.00 FEET, WHOSE ARC LENGTH IS 54.95 FEET AND WHOSE CHORD BEARS NORTH 86°09'36" WEST, 54.93 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 459.00 FEET, WHOSE ARC LENGTH IS 95.63 FEET AND WHOSE CHORD BEARS NORTH 89°13'07" WEST, 95.46 FEET; THENCE SOUTH 74°52'28" WEST, 82.66 FEET TO THE WEST LINE OF SAID LOT 1 AND A POINT OF TERMINUS; BEGINNING AT REFERENCE POINT 'B'; THENCE SOUTH 00°00'00" EAST 237.84 FEET TO A POINT OF TERMINUS; BEGINNING AT REFERENCE POINT 'C'; THENCE SOUTH 04°33'54" WEST, 60.51 FEET; THENCE SOUTH 00°00'00" WEST,
 S:_Development Projects\Tallys Reach (aka Michaels Landing & Woodland Hills)\Elevate at Jordan Creek\Final Plat\FP-003663-2017_LD_Elevate @ Jordan Creek _Water Easement.docx

213.02 FEET; THENCE SOUTH 33°51'20" WEST, 198.66 FEET; THENCE SOUTH 00°43'12" WEST, 1.93 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.80 ACRES (34,910 SQUARE FEET). THE SIDELINES OF SAID EASEMENT SHALL SHORTEN OR EXTEND TO THE LOT LINES AT THE FIRST POINT OF TERMINUS.

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 18th day of May, 2018

Community Business Lenders Service Company, LLC

By: William J. Kurtz
William J. Kurtz, Chief Lending Officer

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 18th day of MAY, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William J. Kurtz, to me known to be the identical person(s) named in and who executed the foregoing instrument; and acknowledges that he executed the instrument as his voluntary act and deed.



Stephanie Appleby
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 22nd day of May, 2018.

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