

WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: September 20, 2018

ITEM:

4. Construction Project Actions
c. 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 water main outside the platted right-of-way for this project. The water main will be within the future road right-of-way as the roadway extends in the future.

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:

William J. Mahure

Approved for Content by:

[Signature]

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, Steven H. Alexander and Marianne V. Alexander, have 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 water main within the future right-of-way of Napoli Avenue.

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 17th day of September, 2018

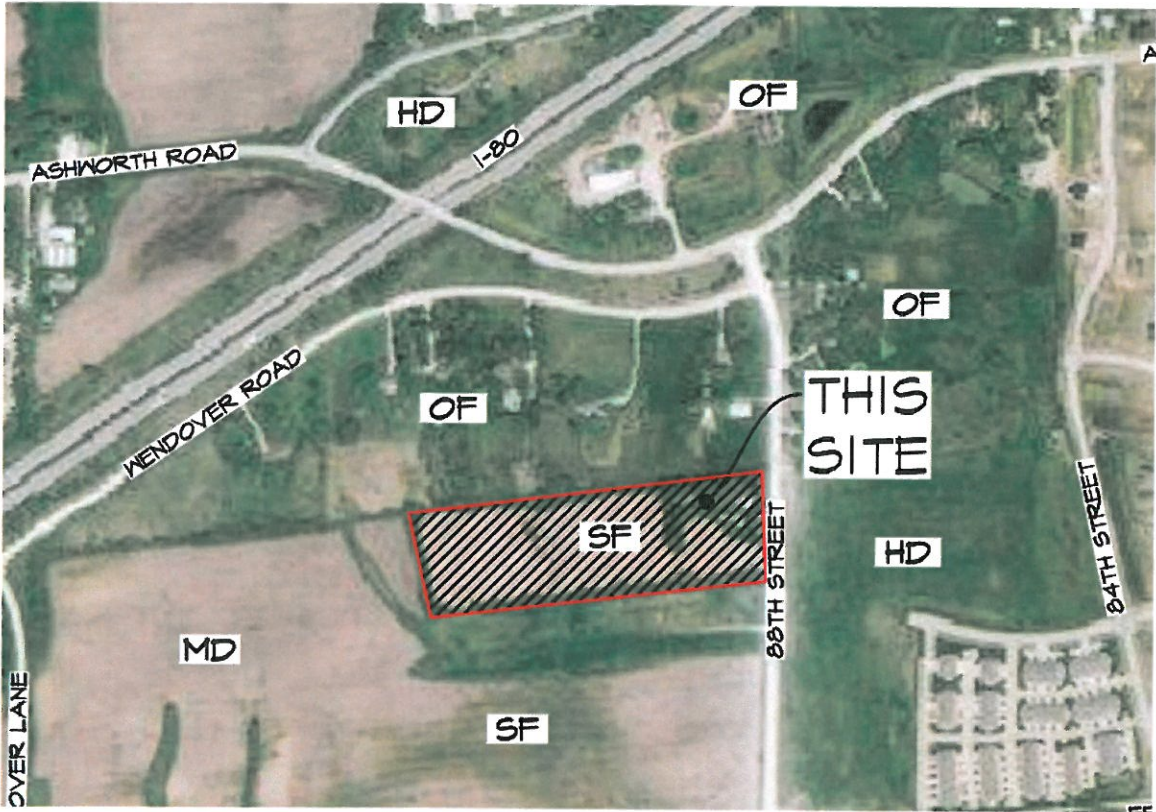
BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Brian Rickert
Chair

Attest:

Diana Wilson
Secretary

Location Map



Prepared by and return to after recordation: Hubbard Law Firm, P.C., 2900 100th Street, Suite 209, Urbandale, Iowa 50322
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, Steven H. Alexander and Marianne V. Alexander, 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 30.00 FOOT WIDE PUBLIC WATER MAIN EASEMENT IN THE EAST 0.90 ACRES OF LOT 2 AND THE WEST 1.60 ACRES OF LOT 3, COOK HEIGHTS, AN OFFICIAL PLAT RECORDED IN BOOK 4, PAGE 44 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF CHATEAU 88, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES; THENCE N83°12'54"E, 109.88 FEET ALONG THE NORTH LINE OF SAID CHATEAU 88, THE SAID NORTH LINE ALSO BEING THE SAID SOUTH LINE OF LOT 2 AND LOT 3 TO THE POINT OF BEGINNING; THENCE N24°18'24"E, 26.65 FEET TO A POINT; THENCE S65°41'36"E, 30.00 FEET TO A POINT; THENCE S24°18'24"W, 8.56 FEET TO A POINT ON SAID SOUTH LINE; THENCE S83°12'54"W, 35.03 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 528.00 SQUARE FEET.

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.

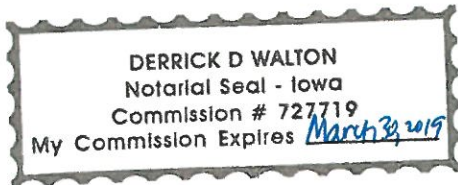
THAT no permanent improvement shall be constructed or placed upon the above-described permanent easement by the Grantor and that if any such permanent improvement is constructed or placed thereon, in violation of this easement, the City shall in no way be responsible for any damages thereto resulting 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 the date as affixed next to their signature below.



By: [Signature] 2/12/18
Steven H. Alexander (DATE)

By: [Signature] 2/12/18
Marianne V. Alexander (DATE)

STATE OF IOWA)
) SS
COUNTY OF DALLAS)

On this 12th day of February, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven H. Alexander and Marianne V. Alexander, to me known to be the identical person(s) named in and who executed the foregoing instrument; and acknowledges that they executed the instrument as 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 14th day of September, 2018.

[Signature]
Diana J. Wilson

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

PREPARED FOR:

WEST DES MOINES WATER WORKS
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IA 50265

PROPERTY OWNERS:

ALEXANDER, STEVEN H & MARIANNE V
4092 MENDOVER RD
WEST DES MOINES, IA 50266

EXHIBIT 'A'
**PUBLIC WATER MAIN
EASEMENT**
PART OF LOT 2 & PART OF LOT 3
COOK HEIGHTS
WEST DES MOINES, IOWA 50266

LEGAL DESCRIPTION - PROPERTY
EAST 0.9 ACRES OF LOT 2 & WEST 1.6 ACRES OF LOT 3, COOK HEIGHTS, AN OFFICIAL PLAT RECORDED IN BOOK 4, PAGE 44 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

LEGAL DESCRIPTION - EASEMENT
EAST 0.9 ACRES OF LOT 2 & WEST 1.6 ACRES OF LOT 3, COOK HEIGHTS, AN OFFICIAL PLAT RECORDED IN BOOK 4, PAGE 44 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF CHATEAU 88, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES; THENCE N83°12'54"E, 109.88 FEET ALONG THE NORTH LINE OF SAID CHATEAU 88, THE SAID NORTH LINE ALSO BEING THE SAID SOUTH LINE OF LOT 2 & LOT 3 TO THE POINT OF BEGINNING; THENCE N24°18'24"E, 26.65 FEET TO A POINT; THENCE S65°41'36"E, 30.00 FEET TO A POINT; THENCE S24°18'24"N, 8.56 FEET TO A POINT ON SAID SOUTH LINE; THENCE S83°12'54"E, 35.03 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 528 SQUARE FEET.

NOTES

1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD. NO TITLE WORK WAS PERFORMED BY THIS SURVEYOR.

LEGEND

- EASEMENT BOUNDARY LINES
- LOT LINES
- EASEMENT LINES
- FOUND PROPERTY CORNER
- SET 1/2" I.R. WELVE CAP #10381
- IRON PIPE
- IRON ROD
- POINT OF BEGINNING
- MEASURED BEARING & DISTANCE
- PREVIOUSLY RECORDED BEARING & DISTANCE
- ADDRESS

CERTIFICATION

I, JEFFREY A. GARDNER, SURVEYOR, DO HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DATE: JANUARY 15, 2018
DRAWN BY: CH
CHECKED BY: CH

SHEETS 1 - 2



Civil Engineering Consultants, Inc.

2400 86th Street Unit 12 Des Moines, Iowa 50322
515.276.4884 Fax: 515.276.7084 mail@cecinc.com

SHEET

1 OF 2

JANUARY 15, 2018
DESIGNED BY: CH
DRAWN BY: CH



Civil Engineering Consultants, Inc.

2400 86th Street Unit 12 Des Moines, Iowa 50322
515.276.4884 Fax: 515.276.7084 mail@cecinc.com

SCALE: 1"=30'



NORTH



SHEET

2 OF 2

JANUARY 15, 2018
DESIGNED BY: CH
DRAWN BY: CH

A-1046

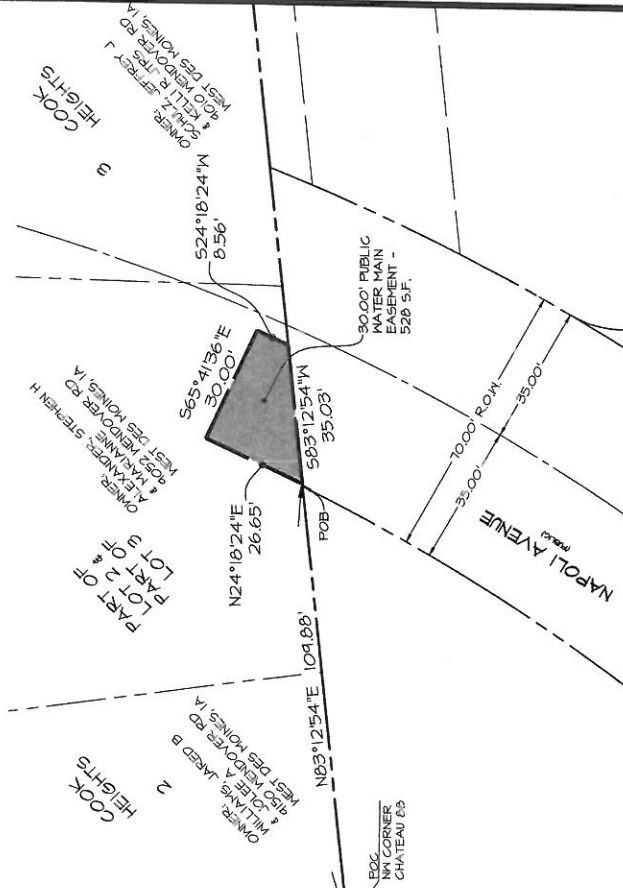


EXHIBIT 'A'
**PUBLIC WATER MAIN
EASEMENT**
PART OF LOT 2 & PART OF LOT 3
COOK HEIGHTS
WEST DES MOINES, IOWA 50266