



WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: November 19, 2018

ITEM:

5. Consent Agenda
d. Resolution

– Accepting Permanent Access Easement for
Water Main and Appurtenances – New Horizon

FINANCIAL IMPACT:

None

SUMMARY:

This action will approve the easement documents allowing for Water Works access and operation of private water main installed with the development.

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 for Water Main and Appurtenances".

Prepared by:

William J. Mahoney

Approved for Content by:

Wilson

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, Hubbell Metropolitan Development Fund I, LLC (Series B), Aventura at Greenway Crossing, LLC, and New Horizon Real Estate Development- Iowa, LLP, have granted an 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 this easement will allow the West Des Moines Water Works to access, operate and maintain the private water main located outside the platted right-of-way for this 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 19th day of November, 2018

BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

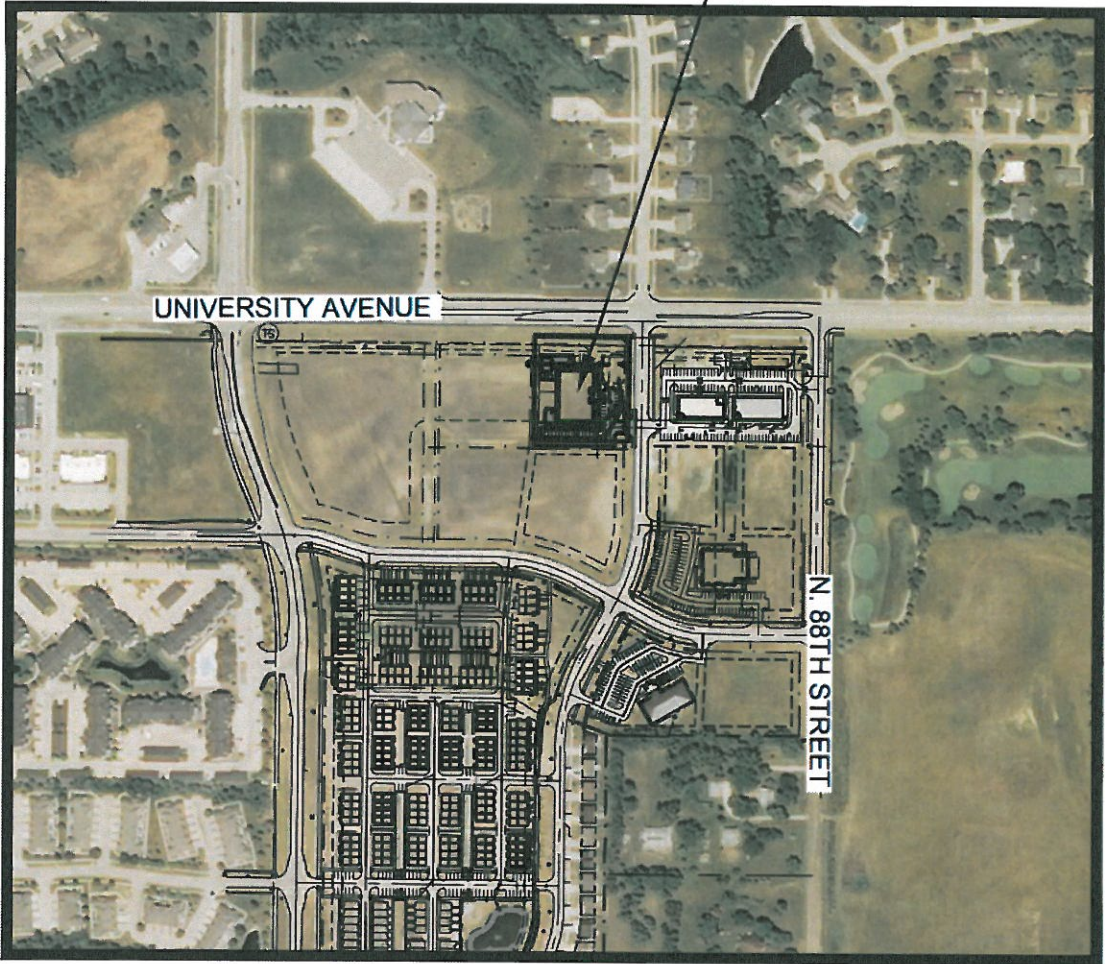
Brian Rickert
Chair

Attest:

Diana Wilson
Secretary

Location Map

PROJECT
LOCATION



BK: 2018 PG: 20002
Recorded: 10/22/2018 at 1:22:08.0 PM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.32
Combined Fee: \$20.32
Revenue Tax:
Chad C. Airhart Recorder
Dallas County, Iowa

Prepared by K Tragesser 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 Hubbell Metropolitan Development Fund I, LLC (Series B), Aventura at Greenway Crossing, LLC, and New Horizon Real Estate Development- Iowa, LLP, hereinafter referred to collectively 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 PERMANENT PRIVATE WATER EASEMENT 10 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE OR CENTERLINE EXTENDED, BEING PART OF LOTS 1, 2, 3, 10 AND 11 OF GREENWAY CROSSING PLAT 1, AN OFFICIAL PLAT LOCATED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE, ALONG THE EAST LINE OF SAID LOT 3, N00°20'02"E, 92.48 FEET TO THE POINT OF BEGINNING; THENCE S30°06'58"W, 97.92 FEET; THENCE N89°39'58"W, 490.10 FEET TO THE POINT OF TERMINATION. DESCRIBED AREA CONTAINS 11,800 SQUARE FEET AND IS SUBJECT TO 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.

EACH GRANTOR covenants with the City that it holds its portion of 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 the portion of this Easement located on its property against the lawful claims of all persons.

Water Main Easement- Clean

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 27 day of September, 2018

Hubbell Metropolitan Development Fund I, LLC (Series B)
By: Hubbell Realty Company, Manager

By: [Signature]
Name: Joe Pietruszynski
Title: Vice President
By: [Signature]
Name: BJ Miller
Title: Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS

This record was acknowledged before me on September 27, 2018, by Joe Pietruszynski,
and BJ Miller as Vice President and
Assistant Secretary (title) of Hubbell Realty Company, Manager of Hubbell Metropolitan
Development Fund I, LLC (Series B).



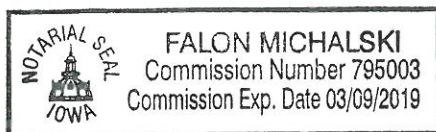
[Signature]
Notary Public in and for the State of Iowa

Aventura at Greenway Crossing, LLC
By: Hubbell Realty Company, Manager

By: [Signature]
Name: Joe Pietruszynski
Title: Vice President
By: [Signature]
Name: BJ Miller
Title: Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS

This record was acknowledged before me on September 27, 2018, by Joe Pietruszynski,
and BJ Miller as Vice President and
Assistant Secretary (title) of Hubbell Realty Company, Manager of Hubbell Metropolitan
Development Fund I, LLC (Series B).



[Signature]
Notary Public in and for the State of Iowa



New Horizon Real Estate Development- Iowa, LLP

By: Jill Dunkley
Name: JILL Dunkley
Title: Partner

STATE OF MINNESOTA, COUNTY OF RAMSEY

This record was acknowledged before me on SEPTEMBER 27, 2018, by JILL DUNKLEY,
as PARTNER of New Horizon Real Estate
Development- Iowa, LLP.

Dawn Marie Mikkelsen
Notary Public in and for the State of ~~Iowa~~ MINNESOTA

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 17th day of October, 2018.

Diana J. Wilson
Diana J. Wilson

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