



WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: November 19, 2018

ITEM:

5. Consent Agenda
e. Resolution

– Accepting Permanent Access Easement for
Water Main and Appurtenances – Campiello
Point

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:

A handwritten signature in cursive script, appearing to read 'William J. Mahan', written over a horizontal line.

Approved for Content by:

A handwritten signature in cursive script, appearing to read 'Paulson', written over a horizontal line.

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

WHEREAS, NJREC, LLC has 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

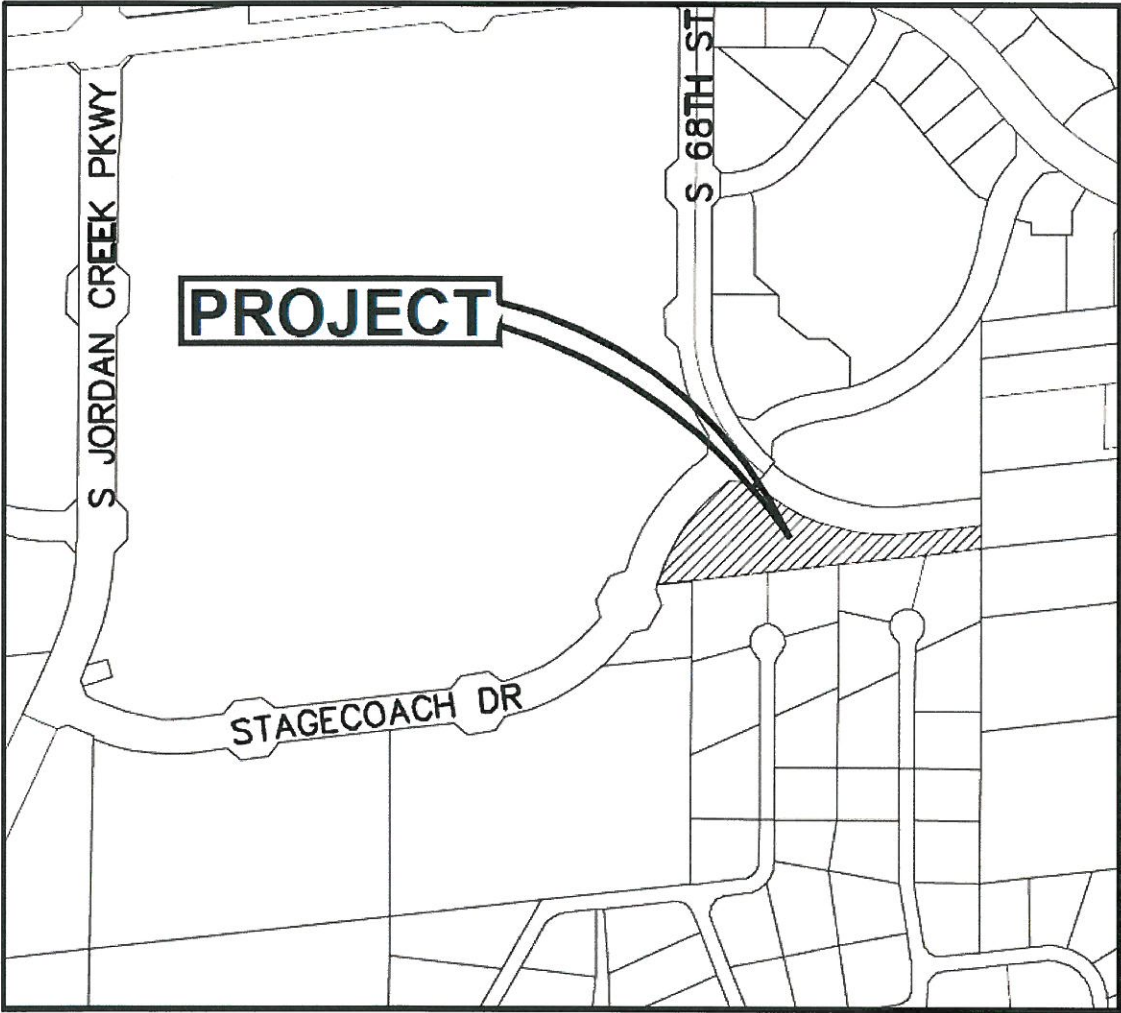
BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Brian Rickert
Chair

Attest:

Diana Wilson
Secretary

Location Map



Prepared by: W. Mabuice, West Des Moines Water Works, 1505 Railroad Ave, West Des Moines, IA 50265 515-222-3510
Return to: West Des Moines Water Works, 1505 Railroad Ave., West Des Moines, IA 50265

PERMANENT ACCESS EASEMENT FOR WATER MAIN AND APPURTENANCES

KNOW ALL MEN BY THESE PRESENTS:

THAT NJREC, Inc., an Iowa corporation, 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 OUTLOT 'Z' OF CAMPIELLO POINT PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID OUTLOT 'Z'; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'Z' BEING A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 46.60 FEET AND WHOSE CHORD BEARS NORTH 19°06'20" EAST, 46.59 FEET; THENCE CONTINUING NORTHEASTERLY ALONG SAID WESTERLY LINE, BEING A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 775.00 FEET, WHOSE ARC LENGTH IS 111.81 FEET AND WHOSE CHORD BEARS NORTH 21°47'43" WEST, 111.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG SAID WESTERLY LINE, BEING A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 775.00 FEET, WHOSE ARC LENGTH IS 15.00 FEET AND WHOSE CHORD BEARS NORTH 26°28'58" EAST, 15.00 FEET; THENCE SOUTH 62°31'50" EAST, 53.62 FEET; THENCE NORTH 72°28'10" EAST, 68.47 FEET; THENCE NORTH 21°19'01" WEST, 14.18 FEET; THENCE NORTH 68°41'50" EAST, 10.00 FEET; THENCE SOUTH 21°19'01" EAST, 14.84 FEET; THENCE NORTH

72°28'10" EAST, 29.05 FEET; THENCE NORTH 20°30'43" WEST, 16.75 FEET; THENCE NORTH 68°41'50" EAST, 15.00 FEET; THENCE SOUTH 20°30'43" EAST, 17.74 FEET; THENCE NORTH 72°28'10" EAST, 31.02 FEET; THENCE NORTH 19°40'52" WEST, 18.94 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.01 FEET AND WHOSE CHORD BEARS NORTH 72°08'04" EAST, 10.01 FEET; THENCE SOUTH 19°40'52" EAST, 19.00 FEET; THENCE NORTH 72°28'10" EAST, 11.33 FEET; THENCE NORTH 13°22'03" WEST, 18.87 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.01 FEET AND WHOSE CHORD BEARS NORTH 74°16'53" EAST, 10.01 FEET; THENCE SOUTH 13°22'03" EAST, 18.55 FEET; THENCE NORTH 72°28'10" EAST, 14.11 FEET; THENCE NORTH 83°43'10" EAST, 16.70 FEET; THENCE NORTH 11°42'47" WEST, 19.84 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 15.00 FEET AND WHOSE CHORD BEARS NORTH 78°17'24" EAST, 15.00 FEET; THENCE SOUTH 11°42'47" EAST, 21.27 FEET; THENCE NORTH 83°43'10" EAST, 32.46 FEET; THENCE NORTH 13°22'03" WEST, 23.17 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.05 FEET AND WHOSE CHORD BEARS NORTH 82°20'32" EAST, 10.05 FEET; THENCE SOUTH 13°22'03" EAST, 23.41 FEET; THENCE NORTH 83°43'10" EAST, 12.65 FEET; THENCE NORTH 00°03'32" EAST, 23.40 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.04 FEET AND WHOSE CHORD BEARS NORTH 84°55'29" EAST, 10.04 FEET; THENCE SOUTH 00°03'32" WEST, 23.19 FEET; THENCE NORTH 83°43'10" EAST, 31.34 FEET; THENCE NORTH 01°06'38" WEST, 21.49 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 15.00 FEET AND WHOSE CHORD BEARS NORTH 88°53'34" EAST, 15.00 FEET; THENCE SOUTH 01°06'38" EAST, 20.13 FEET; THENCE NORTH 83°43'10" EAST, 5.29 FEET; THENCE SOUTH 85°01'50" EAST, 25.68 FEET; THENCE NORTH 00°00'00" EAST, 21.22 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.01 FEET AND WHOSE CHORD BEARS SOUTH 87°05'49" EAST, 10.01 FEET; THENCE SOUTH 00°00'00" WEST, 21.58 FEET; THENCE SOUTH 85°01'50" EAST, 9.48 FEET; THENCE NORTH 09°07'57" EAST, 21.79 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 10.03 FEET AND WHOSE CHORD BEARS SOUTH 84°59'34" EAST, 10.03 FEET; THENCE SOUTH 09°07'57" WEST, 21.78 FEET; THENCE SOUTH 85°01'50" EAST, 31.92 FEET; THENCE NORTH 09°07'57" EAST, 20.69 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 625.00 FEET, WHOSE ARC LENGTH IS 3.38 FEET AND WHOSE CHORD BEARS SOUTH 81°27'27" EAST, 3.38 FEET; THENCE SOUTH 81°18'10" EAST, 11.59 FEET; THENCE SOUTH 09°07'57" WEST, 19.72 FEET; THENCE SOUTH 85°01'50" EAST, 31.08 FEET; THENCE NORTH 09°10'37" EAST, 17.94 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 575.00 FEET, WHOSE ARC LENGTH IS 10.01 FEET AND WHOSE CHORD BEARS SOUTH 83°26'31" EAST, 10.01 FEET; THENCE SOUTH 09°07'57" WEST, 17.66 FEET;

THENCE SOUTH 85°01'50" EAST, 48.12 FEET; THENCE NORTH 89°25'41" EAST, 102.35 FEET; THENCE NORTH 83°29'39" EAST, 106.23 FEET; THENCE NORTH 55°01'17" EAST, 6.55 FEET; THENCE NORTH 21°16'17" EAST, 11.57 FEET; THENCE NORTH 09°07'57" EAST, 6.68 FEET TO THE NORTHERLY LINE OF SAID OUTLOT 'Z'; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE BEING A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 806.08 FEET, WHOSE ARC LENGTH IS 15.00 FEET AND WHOSE CHORD BEARS SOUTH 80°51'49" EAST, 15.00 FEET; THENCE SOUTH 09°07'57" WEST, 8.28 FEET; THENCE SOUTH 21°16'17" WEST, 17.72 FEET; THENCE SOUTH 55°01'17" WEST, 14.90 FEET; THENCE NORTH 83°29'39" WEST, 110.81 FEET; THENCE SOUTH 89°25'41" EAST, 103.86 FEET; THENCE NORTH 85°01'50" EAST, 135.24 FEET; THENCE SOUTH 04°58'10" WEST, 8.25 FEET; THENCE NORTH 85°01'50" WEST, 10.00 FEET; THENCE NORTH 04°58'10" EAST, 8.25 FEET; THENCE NORTH 85°01'50" WEST, 45.39 FEET; THENCE SOUTH 83°43'10" WEST, 145.77 FEET; THENCE SOUTH 72°28'10" WEST, 42.16 FEET; THENCE SOUTH 17°31'50" EAST, 11.12 FEET; THENCE SOUTH 72°28'10" WEST, 10.00 FEET; THENCE NORTH 17°31'50" WEST, 11.12 FEET; THENCE SOUTH 72°28'10" WEST, 151.63 FEET; THENCE NORTH 62°31'50" WEST, 59.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.35 ACRES (15,408 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.

OCT IN WITNESS WHEREOF, Grantor has executed this instrument on this 31 day of OCT, 2018.

Owner

By:


Nicholas E. Jensen

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 31 day of Oct., 2018, before me, the undersigned, a Notary Public in and for said County and State personally appeared Nicholas Eilensen, to me personally known, who being by me duly sworn, did say that he is the owner of NJREC, Inc. executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed, by it and by him voluntarily executed.



Christina Boley
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 1st day of November, 2018.

Diana J. Wilson
Diana J. Wilson