



WEST DES MOINES WATER WORK BOARD OF TRUSTEES MEETING COMMUNICATION

DATE: June 17, 2019

ITEM:

4. Consent Agenda
d. Resolution – Accepting Permanent Public Easement and Right-of-Way for Water Main – Continental Plaza Plat 2

FINANCIAL IMPACT:

None

SUMMARY:

This action will approve the easement documents allowing for Water Works access and operation of a private water main installed through Continental Plaza Plat 2.

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 McCabe

Approved for Content by: Cliff A. Murphy

RESOLUTION

**A RESOLUTION ACCEPTING PERMANENT ACCESS EASEMENT
FOR WATER MAIN AND APPURTENANCES**

WHEREAS, Penta Partners, 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 owner 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 17th day of June, 2019

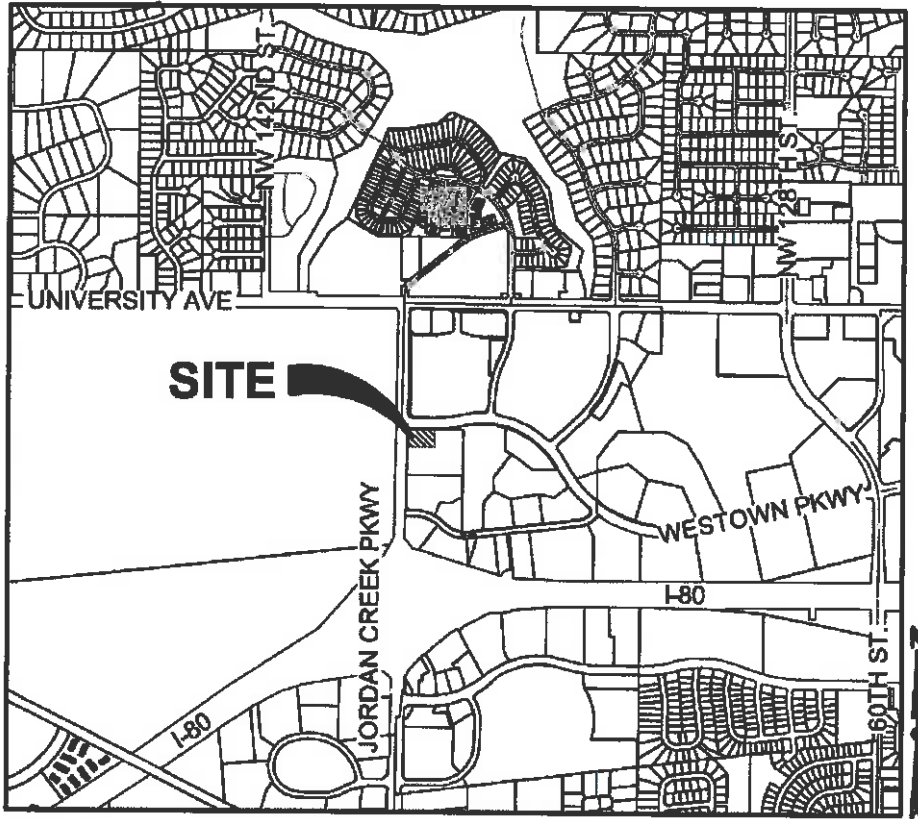
BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS

Brian Rickert
Chair

Attest:

Christina Murphy
Secretary

Location Map



Prepared by and return to after recordation:

W. Mabuice, West Des Moines Water Works, 1505 Railroad Avenue, West Des Moines, IA 50265, (515) 222-3510

**TEMPORARY CONSTRUCTION AND PERMANENT PUBLIC EASEMENT
AND RIGHT OF-WAY FOR WATER MAIN**

KNOW ALL MEN BY THESE PRESENTS:

THAT Penta Partners, LLC., of the County of Polk, 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 PART OF LOT 1, CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS A 10.00-FOOT-WIDE EASEMENT BEING 5.00 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 0°42'42" EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 351.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°19'39" EAST, 13.73 FEET; THENCE NORTH 00°43'12" EAST, 41.64 FEET; THENCE SOUTH 89°16'48" EAST, 85.23 FEET; THENCE SOUTH 44°16'48" EAST, 5.00 FEET; THENCE SOUTH 00°43'12" WEST, 18.41 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.04 ACRES (1,640 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 without the written consent of the City 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 this 11th day of JUNE, 2019.

GRANTOR

By: [Signature]
Name: Travis M. Sisson
Title: Manager

STATE OF IOWA)
)SS
COUNTY OF POLK)

On this 11th day of JUNE, 2019, before me, the undersigned, a Notary Public in and for said County and State personally appeared Travis M. Sisson, to me personally known, who, being by me duly sworn did say that he is the MANAGER, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the LLC, by it and by him voluntarily executed.



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

CITY OF WEST DES MOINES, IOWA

I, William J. Mabuce, PE, Engineering Project 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 13th day of JUNE, 2019.

[Signature]
William J. Mabuce, PE.
Engineering Manager, West Des Moines Water Works, West Des Moines, Iowa