



## WEST DES MOINES WATER WORKS BOARD OF TRUSTEES MEETING COMMUNICATION

**DATE:** June 15, 2022

**ITEM:**

4. Consent Agenda
  - g. Resolution – Accepting Permanent Public Easement and Right-of-Way for Water Main – Dowling Bus Facility

**FINANCIAL IMPACT:**

None

**SUMMARY:**

This action will approve the easement documents allowing for Water Works access and operation of water main and appurtenances installed outside the 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 resolutions titled “Accepting Permanent Public Easement and Right-of-Way for Water Main – Dowling Bus Facility.”
---

Prepared by: William J. Mabuce

Approved for Content by: Clay Murphy

**RESOLUTION**

**A RESOLUTION ACCEPTING PERMANENT PUBLIC EASEMENT  
AND RIGHT-OF-WAY FOR WATER MAIN**

**Dowling Bus Facility**

**WHEREAS**, Dowling College has granted a permanent public 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 access and operate water main and appurtenances serving this area which could not be located in public 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 construction and operation of water distribution system facilities.

**PASSED AND APPROVED** this 15<sup>th</sup> day of June 2022.

**BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS**

---

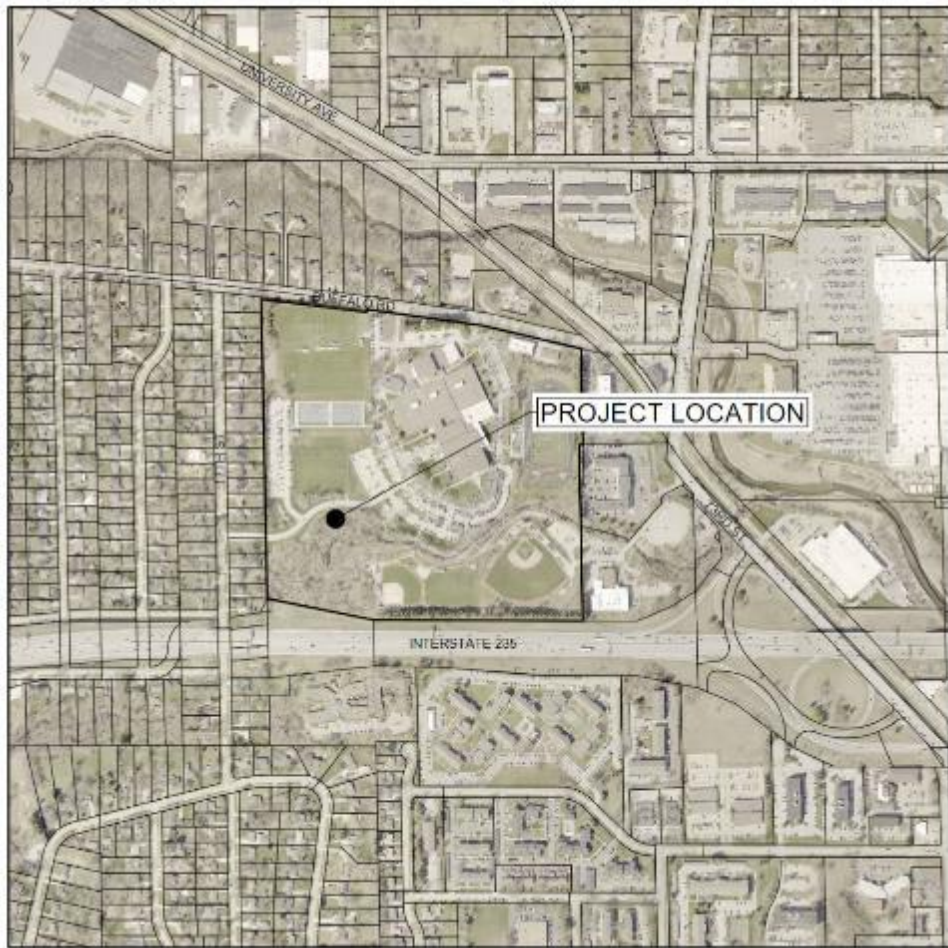
Scott Brennan  
Chair

Attest:

---

Christina Murphy  
Secretary

**Location Map**



Prepared by and return to after recordation:

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

---

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

KNOW ALL PERSONS BY THESE PRESENTS:

**THAT DOWLING COLLEGE**, 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:

**See Attached Easement Plat**

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 \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR  
DOWLING COLLEGE**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF IOWA**                    )  
  )SS  
**COUNTY OF POLK**                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, the undersigned, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that he is the \_\_\_\_\_, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the \_\_\_\_\_, by it and by him voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**CITY OF WEST DES MOINES, IOWA**

I, Christina Murphy, PE, 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 \_\_, day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Christina Murphy, PE.  
General Manager, West Des Moines Water Works, West Des Moines, Iowa

**INDEX LEGEND**

SURVEYOR'S NAME / RETURN TO:  
 ERIN D. GRIFFIN  
 SNYDER & ASSOCIATES, INC.  
 2727 SW SNYDER BOULEVARD  
 ANKENY, IOWA 50023  
 515-964-2020  
 EGRIFFIN@SNYDER-ASSOCIATES.COM  
 SERVICE PROVIDED BY:  
 SNYDER & ASSOCIATES, INC.  
 SURVEY LOCATED:  
 LOTS 36&37  
 GOLF AND COUNTRY CLUB PLAT 7  
 PT. LOT 11  
 ASHWORTH PLAT  
 SEC. 3-78-25  
 REQUESTED BY:  
 DOWLING CATHOLIC HIGH SCHOOL

**EASEMENT PLAT**

**WATER MAIN EASEMENT DESCRIPTION**

A PART OF LOTS 36 AND 37, GOLF AND COUNTRY CLUB PLAT 7, AN OFFICIAL PLAT AND A PART OF LOT 11, ASHWORTH, AN OFFICIAL PLAT SECTION 3, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 36; THENCE SOUTH 01°04'07" EAST ALONG THE WEST LINE OF SAID LOT 36, A DISTANCE OF 40.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°49'02" EAST, 3.04 FEET; THENCE SOUTH 46°10'58" EAST, 4.24 FEET; THENCE NORTH 88°49'02" EAST, 298.52 FEET; THENCE NORTH 43°49'02" EAST, 132.14 FEET; THENCE NORTH 55°35'30" EAST, 80.02 FEET; THENCE SOUTH 34°24'30" EAST, 10.00 FEET; THENCE SOUTH 55°35'30" WEST, 16.29 FEET; THENCE SOUTH 34°24'30" EAST, 56.73 FEET; THENCE SOUTH 55°35'30" WEST, 10.00 FEET; THENCE NORTH 34°24'30" WEST, 56.73 FEET; THENCE SOUTH 55°35'30" WEST, 52.70 FEET; THENCE SOUTH 43°49'02" WEST, 135.25 FEET; THENCE SOUTH 88°49'02" WEST, 24.37 FEET; THENCE SOUTH 01°10'58" EAST, 7.66 FEET; THENCE SOUTH 88°49'02" WEST, 10.00 FEET; THENCE NORTH 01°10'58" WEST, 7.66 FEET; THENCE SOUTH 88°49'02" WEST, 272.44 FEET; THENCE NORTH 46°10'58" WEST, 2.71 FEET TO THE WEST LINE OF SAID LOT 36; THENCE NORTH 01°04'07" WEST ALONG SAID WEST LINE, 11.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES (5,854 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**DATE OF SURVEY**

04-19-2022

**OWNER**

DOWLING COLLEGE

**BASIS OF BEARING**

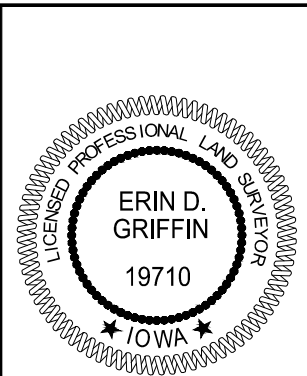
THE WEST LINE OF LOT 36, GOLF AND COUNTRY CLUB PLAT 7, AN OFFICIAL PLAT IS ASSUMED TO BEAR SOUTH 01°04'07" WEST FOR THE PURPOSE OF THIS SURVEY.

**LEGEND**

**FEATURES**

Section Corner  
 1/2" Rebar, Cap # 19710  
 w/Yellow Plastic Cap  
 (Unless Otherwise Noted)  
 ROW Marker  
 ROW Rail  
 Platted Distance  
 Measured Bearing & Distance  
 Recorded As  
 Deed Distance  
 Calculated Distance  
 Centerline  
 Section Line  
 1/4 Section Line  
 1/4 1/4 Section Line  
 Easement Line

FOUND	SET
▲	△
●	○
■	□
⊥	⊥
P	
M	
R	
D	
C	



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Erin D. Griffin, PLS \_\_\_\_\_ Date

License Number 19710

My License Renewal Date is December 31, 2023

Pages or sheets covered by this seal:

Sheets 1 and 2, of 2

**DOWLING CATHOLIC HIGH SCHOOL**

**EASEMENT PLAT**



2727 S.W. SNYDER BLVD.  
 ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 2

PN: 121.0959.01

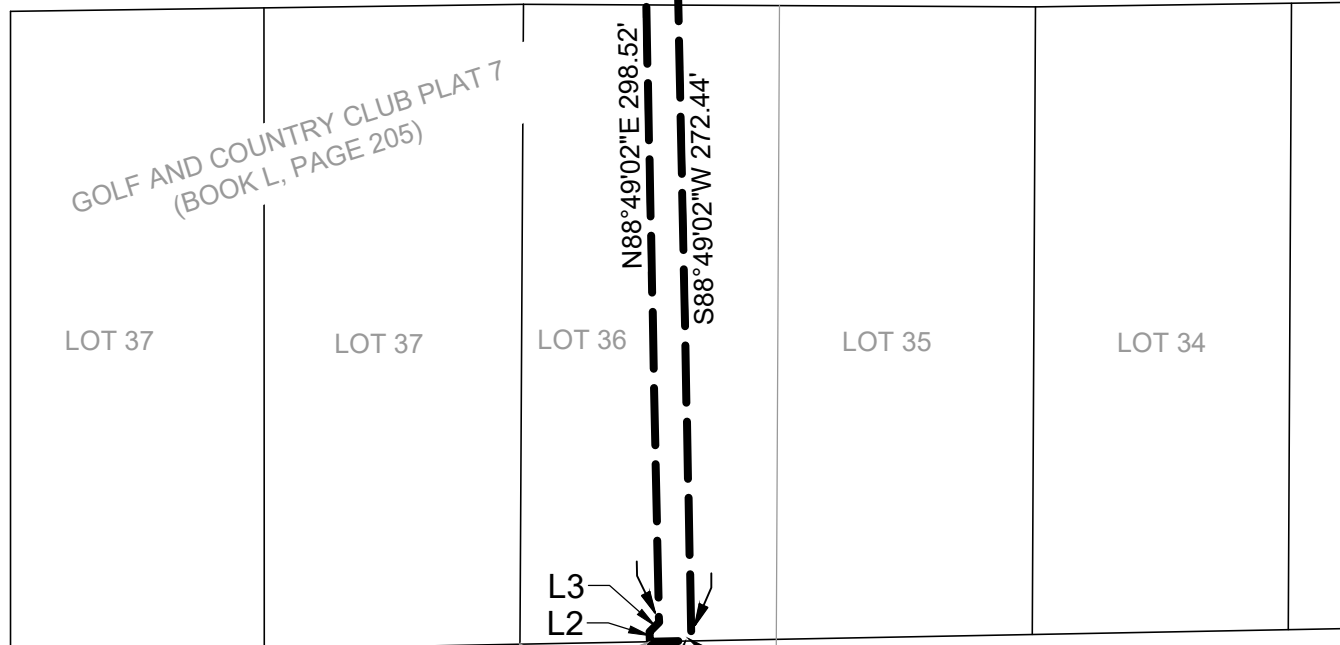
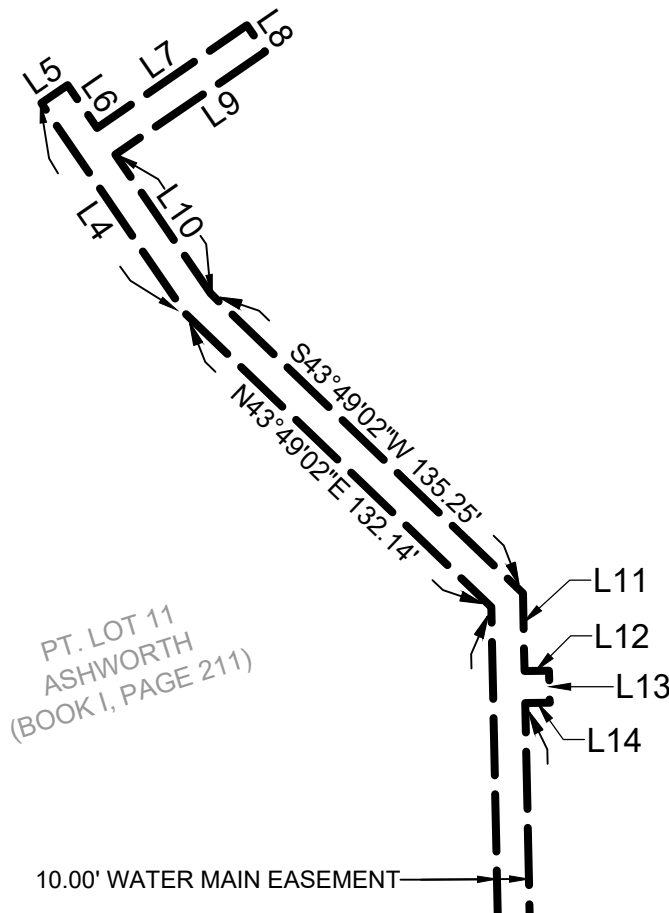
T-R-S:78N-25W-S3

DATE: 04/19/2022

PM/TECH: EDG/AJD

# EASEMENT PLAT

LINE TABLE		
LINE #	LENGTH (FT)	DIRECTION
L1	40.55	S01° 04' 07"E
L2	3.04	N88° 49' 02"E
L3	4.24	S46° 10' 58"E
L4	80.02	N55° 35' 30"E
L5	10.00	S34° 24' 30"E
L6	16.29	S55° 35' 30"W
L7	56.73	S34° 24' 30"E
L8	10.00	S55° 35' 30"W
L9	56.73	N34° 24' 30"W
L10	52.70	S55° 35' 30"W
L11	24.37	S88° 49' 02"W
L12	7.66	S01° 10' 58"E
L13	10.00	S88° 49' 02"W
L14	7.66	N01° 10' 58"W
L15	2.71	N46° 10' 58"W
L16	11.08	N01° 04' 07"W



COMMENCEMENT POINT  
NW CORNER LOT 36

POINT OF BEGINNING

17TH STREET



**DOWLING CATHOLIC HIGH SCHOOL**

**EASEMENT PLAT**



2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 2 OF 2
PN: 121.0959.01
T-R-S:78N-25W-S3
DATE: 04/19/2022
PM/TECH: EDG/AJD

V:\Projects\2021\121.0959.01\CADD\1210959\_WATR\_EASE.dwg