



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

**DATE:** July 20, 2022

**ITEM:**

4. Consent Agenda
  - e. Resolution – Accepting Amended, Restated and Substituted Permanent Public Easement and Right-of-Way for Water Main – Kings Grove, LLC – King’s Grove Plat 1

**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.

The developer is requesting to update the recorded easement to correct an incorrect legal description on the original easement.

**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 Amended, Restated and Substituted Permanent Public Easement and Right-of-Way for Water Main – Kings Grove, LLC – King’s Grove Plat 1.”

Prepared by: William J. Mabeuce

Approved for Content by: Clara Murphy

**RESOLUTION**

**A RESOLUTION ACCEPTING AMENDED, RESTATED AND  
SUBSTITUTED PERMANENT PUBLIC EASEMENT  
AND RIGHT-OF-WAY FOR WATER MAIN**

**King's Grove Plat 1**

**WHEREAS**, King's Grove, LLC 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**, a correction to the legal description in the water main easement recorded in May, 2022 (Book 2022, Page 9883); and

**WHEREAS**, acquisition of this easement 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 20<sup>th</sup> day of July 2022.

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

---

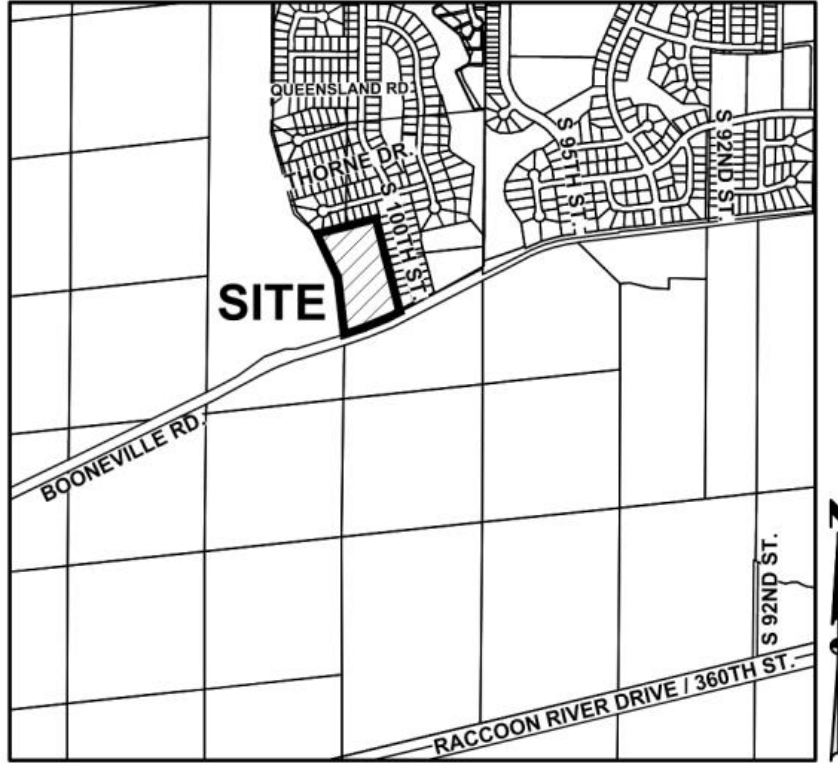
Scott Brennan  
Chair

Attest:

---

Christina Murphy  
Secretary

Location Map



Prepared by and return to after recordation:

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

---

**AMENDED, RESTATED AND SUBSTITUTED**  
**PERMANENT PUBLIC EASEMENT**  
**AND RIGHT-OF-WAY FOR WATER MAIN**

KNOW ALL PERSONS BY THESE PRESENTS:

**THAT** KING'S GROVE, L.L.C., an Iowa limited liability company, 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 Exhibit "A"**

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.

**Exhibit "A" – Permanent Easement Description**

ALL THAT PART OF LOTS 1 THROUGH 11, AND OUTLOT 'X', KING'S GROVE PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA BEING 22.00 FEET LYING EAST OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF OUTLOT 'Z', SAID KING'S GROVE PLAT 1; THENCE SOUTH 66°51'56" WEST ALONG THE SOUTH LINE OF SAID OUTLOT 'X', 141.74 FEET TO THE POINT OF BEGINNING; THENCE NORTH 14°08'45" WEST, 620.48 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.31 ACRES (13,612 SQUARE FEET).

AND

ALL THAT PART OF LOTS 12, 18 THROUGH 25, AND OUTLOT 'X', KING'S GROVE PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA BEING 24.50 FEET LYING WEST OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF OUTLOT 'Z', SAID KING'S GROVE PLAT 1; THENCE SOUTH 66°51'56" WEST ALONG THE SOUTH LINE OF SAID OUTLOT 'X', 141.74 FEET TO THE POINT OF BEGINNING; THENCE NORTH 14°08'45" WEST, 620.48 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.35 ACRES (15,249 SQUARE FEET).

AND

ALL THAT PART OF LOTS 12 THROUGH 15, AND OUTLOT 'X', KING'S GROVE PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA BEING 22.00 FEET LYING SOUTH OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 75°51'15" WEST ALONG THE NORTH LINE OF LOTS 12 THROUGH 15 AND THE WESTERLY EXTENSION THEREOF, 244.00 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.12 ACRES (5,368 SQUARE FEET).

AND

ALL THAT PART OF LOTS 16 THROUGH 18, AND OUTLOT 'X', KING'S GROVE PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA BEING 24.50 FEET LYING NORTH OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 18; THENCE SOUTH 75°51'15" WEST ALONG THE SOUTH LINE OF LOTS 16 THROUGH 18 AND THE WESTERLY EXTENSION THEREOF, 244.00 FEET TO THE POINT OF TERMINUS AND CONTAINING 0.14 ACRES (5,978 SQUARE FEET).

**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.

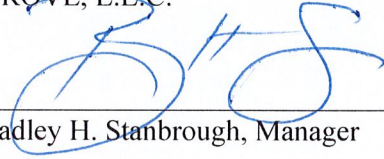
**WORDS** and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

**THIS Amended, Restated and Substituted Permanent Public Easement and Right-of-Way for Water Main is given to amend and replace that certain Permanent Public Easement and Right-of-Way for Water Main filed on May 5, 2022 in Book 2022, Page 9883 to correct the legal description.**

**IN WITNESS WHEREOF**, Grantor has executed this instrument on this 22 day of June, 2022.

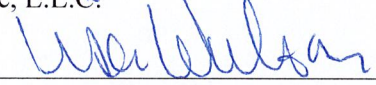
GRANTOR:

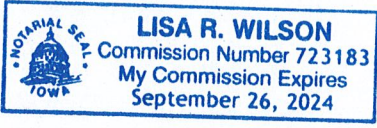
KING'S GROVE, L.L.C.

By:   
Bradley H. Stanbrough, Manager

STATE OF IOWA                    )  
  )SS  
COUNTY OF Dallas            )

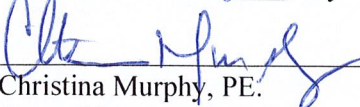
This record was acknowledged before me on this 22 day of June, 2022, by Bradley H. Stanbrough, the Manager of King's Grove, L.L.C.

  
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 20th day of June, 2022.

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