



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

**DATE:** July 20, 2022

**ITEM:**

4. Consent Agenda
  - f. Resolution – Accepting Permanent Public Easement and Right-of-Way for Water Main – Des Moines University

**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 resolution titled “Accepting Permanent Public Easement and Right-of-Way for Water Main – Des Moines University.”

Prepared by: William J. Mabuce

Approved for Content by: Clara Murphy

**RESOLUTION**

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

**Des Moines University**

**WHEREAS**, Des Moines University Osteopathic Medical Center 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 20<sup>th</sup> day of July 2022.

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

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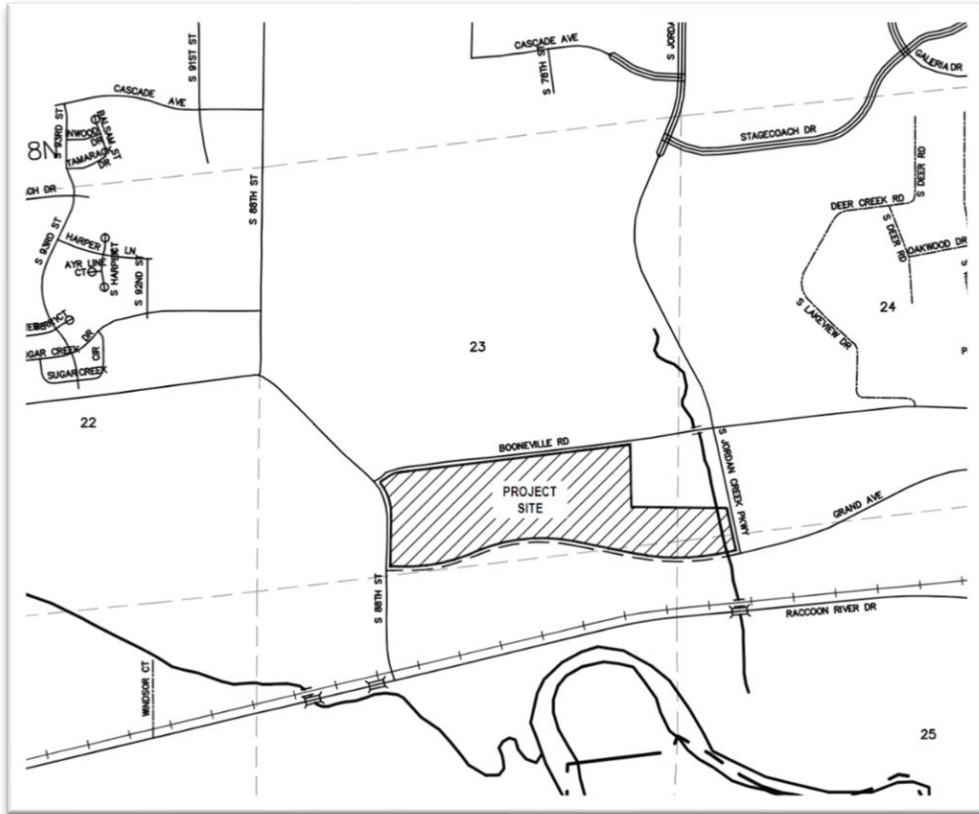
Scott Brennan  
Chair

Attest:

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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

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

KNOW ALL PERSONS BY THESE PRESENTS:

**THAT DES MOINES UNIVERSITY OSTEOPATHIC MEDICAL CENTER**, of the County of Dallas, 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 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.

**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.

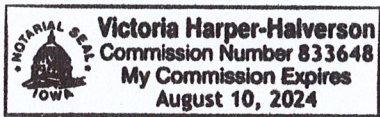
IN WITNESS WHEREOF, Grantor has executed this instrument on this 27 day of June, 2022.

**GRANTOR  
DES MOINES UNIVERSITY OSTEOPATHIC MEDICAL CENTER**

By: *Mark J. Peiffer*  
Name: Mark J. Peiffer  
Title: Senior Vice President and CFO

STATE OF IOWA            )  
  )SS  
COUNTY OF DALLAS    )

On this 27 day of June, 2022, before me, the undersigned, a Notary Public in and for said County and State personally appeared Mark Peiffer, to me personally known, who, being by me duly sworn did say that he is the Chief Financial officer, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Des Moines University, by it and by him voluntarily executed.



*Victoria Harper-Halverson*  
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 30<sup>th</sup> day of June, 2022.

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

## Exhibit "A" – Permanent Easement Description

A PART OF LOTS 1 AND 4, DMU WEST PLAT 1, 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 SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4 AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 1075.00 FEET, WHOSE ARC LENGTH IS 62.51 FEET AND WHOSE CHORD BEARS SOUTH 14°46'51" EAST, 62.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 76°01'48" EAST, 134.24 FEET; THENCE NORTH 87°16'48" EAST, 60.00 FEET; THENCE SOUTH 78°44'18" EAST, 47.98 FEET TO REFERENCE POINT 'A'; THENCE NORTH 15°20'08" EAST, 81.15 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'A'; THENCE SOUTH 78°44'18" EAST, 33.21 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 317.00 FEET, WHOSE ARC LENGTH IS 133.21 FEET AND WHOSE CHORD BEARS NORTH 89°13'24" EAST, 132.23 FEET TO REFERENCE POINT 'B'; THENCE SOUTH 12°48'53" EAST, 48.50 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'B'; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 317.00 FEET, WHOSE ARC LENGTH IS 22.15 FEET AND WHOSE CHORD BEARS NORTH 75°11'01" EAST, 22.14 FEET; THENCE NORTH 73°10'56" EAST, 98.32 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 383.00 FEET, WHOSE ARC LENGTH IS 99.72 FEET AND WHOSE CHORD BEARS NORTH 80°38'28" EAST, 99.44 FEET; THENCE NORTH 88°06'00" EAST, 57.89 FEET TO REFERENCE POINT 'C'; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 758.00 FEET, WHOSE ARC LENGTH IS 77.43 FEET AND WHOSE CHORD BEARS NORTH 00°15'32" WEST, 77.40 FEET; THENCE NORTH 02°40'03" EAST, 72.76 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 383.00 FEET, WHOSE ARC LENGTH IS 97.19 FEET AND WHOSE CHORD BEARS NORTH 09°56'15" EAST, 96.93 FEET; THENCE NORTH 14°31'28" EAST, 39.04 FEET; THENCE NORTH 11°50'28" EAST, 89.06 FEET; THENCE NORTH 07°27'30" WEST, 20.00 FEET TO REFERENCE POINT 'D'; THENCE NORTH 07°27'30" WEST, 113.31 FEET TO THE NORTHERLY LINE OF SAID LOT 4 AND A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'D'; THENCE NORTH 82°32'30" EAST, 76.76 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 611.25 FEET, WHOSE ARC LENGTH IS 105.68 FEET AND WHOSE CHORD BEARS SOUTH 87°11'29" EAST, 105.55 FEET; THENCE SOUTH 82°00'00" EAST, 189.46 FEET; THENCE SOUTH 74°30'04" EAST, 82.79 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'C'; THENCE NORTH 88°06'00" EAST, 74.24 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 417.00 FEET, WHOSE ARC LENGTH IS 109.90 FEET AND WHOSE CHORD BEARS NORTH 80°33'00" EAST, 109.58 FEET; THENCE NORTH 73°00'00" EAST, 228.34 FEET TO REFERENCE POINT 'E'; THENCE NORTH 17°00'00" WEST, 171.35 FEET; THENCE NORTH 08°00'00" EAST, 66.78 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'E'; THENCE NORTH 73°00'00" EAST, 74.18 FEET; THENCE SOUTH 83°29'20" EAST, 39.59 FEET; THENCE SOUTH 79°57'22" EAST, 15.00 FEET TO REFERENCE POINT 'F'; THENCE NORTH 06°30'40" EAST, 57.24 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'F'; THENCE SOUTH 79°57'22" EAST, 193.58 FEET TO REFERENCE POINT 'G'; THENCE SOUTH 10°02'38" WEST, 54.72 FEET; THENCE SOUTH 30°10'03" WEST, 61.67 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'G'; THENCE SOUTH 79°57'22" EAST, 181.35 FEET TO REFERENCE POINT 'H'; THENCE NORTH 10°02'38" EAST, 10.00 FEET; THENCE NORTH 20°36'41" WEST, 47.27 FEET; THENCE NORTH 06°58'21" EAST, 45.21 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'H'; THENCE SOUTH 79°57'22" EAST, 264.31 FEET TO REFERENCE POINT 'I'; THENCE NORTH 10°02'38" EAST, 34.57 FEET; THENCE NORTH 41°31'19" EAST, 23.88 FEET; THENCE NORTH 73°00'00" EAST, 51.26 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'I'; THENCE SOUTH 79°57'22" EAST, 5.00 FEET; THENCE SOUTH 44°58'22" EAST, 20.00 FEET; THENCE SOUTH 09°59'22" EAST, 23.92 FEET TO REFERENCE POINT 'J'; THENCE NORTH 80°00'38" EAST, 123.70 FEET; THENCE NORTH 73°20'20" EAST, 244.20 FEET; THENCE NORTH 16°39'40" WEST, 20.00 FEET TO A POINT OF TERMINUS;

BEGINNING AT REFERENCE POINT 'J'; THENCE SOUTH 09°59'22" EAST, 289.79 FEET TO THE SOUTH LINE OF SAID DMU WEST PLAT 1 AND THE POINT OF TERMINUS.

SAID EASEMENT CONTAINS 0.98 ACRES (42,663 SQUARE FEET).