Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared bv: Legal Dept., 209 Pearl Street. Council Bluffs. IA 51503 -Phone: (712) 890-5317

RESOLUTION NO. 22-12

A RESOLUTION OF INTENT TO GRANT A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITIES LOCATED UNDER AND ON: THE NORTH TEN (10) FEET OF A PARCEL OF LAND LOCATED IN THE SE ¼ SW ¼ AND THE SW ¼ SE ¼ OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th P.M.; NOW IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA TO MIDAMERICAN ENERGY COMPANY.

WHEREAS, MidAmerican Energy Company is requesting a perpetual, non-exclusive easement be granted for utility purposes across: The north ten (10) feet of the following parcel of land legally described as:

A PARCEL OF LAND, BEING A PORTION OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER (SE1/4SW1/4) AND THE SOUTHWEST QUARTER SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BOUNDED AND ESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 01°43’19” EAST ALONG THE WEST LINE OF SAID SECTION 11, 520.87 FEET; THENCE SOUTH 88°16’41” EAST, 1320.62 FEET TO THE WEST LINE OF SAID SE1/4SW1/4, A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 275, AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WEST LINE, NORTH 01°52’50” EAST, 58.98 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 07°30’15” WEST, 3108.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°33’41”, 572.90 FEET; THENCE SOUTH 86°56’35”EAST, 1056.86 FEET; THENCE SOUTH 02°03’49” WEST, 62.63 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE, OF U.S. HIGHWAY 275; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°31’ 20” WEST, 297.18 FEET, THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 87°30’48” WEST, 942.89 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2384.41 FEET; THENCE CONTINUING WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°20’12” 388.56 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT:

A PARCEL OF LAND LOCATED IN THE SE¼ SW¼ AND SW¼ SE¼ OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44, WEST OF THE 5TH P. M., NOW IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF THE SE¼ SW¼ OF SAID SECTION 11; THENCE N1°53'18"E, 537.91 FEET ALONG THE WEST LINE OF SAID SE¼ SW¼ TO A POINT ON THE PRESENT NORTHERLY RIGHT OF WAY LINE OF PRIMARY ROAD NO. U. S. 275/IA 92, THE POINT OF BEGINNING; THENCE CONTINUING N1°53'18"E, 8.14 FEET ALONG THE WEST LINE OF SAID SE¼ SW¼; THENCE EASTERLY 571.81 FEET ALONG A 3058.00-FOOT RADIUS CURVE, CONCAVE SOUTHERLY AND HAVING A CHORD BEARING N87°42'01"E, 570.98 FEET; THENCE S86°56'35"E, 1108.06 FEET; THENCE S1°59'54"W, 11.87 FEET TO A POINT ON THE PRESENT NORTHERLY RIGHT OF WAY LINE OF PRIMARY ROAD NO. U. S. 275/IA 92; THENCE WESTERLY ALONG SAID PRESENT NORTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO (2) COURSES: N87°31'23"W, 1286.16 FEET; THENCE WESTERLY 392.67 FEET ALONG A 2359.26-FOOT RADIUS CURVE, CONCAVE SOUTHERLY AND HAVING A CHORD BEARING S87°42'32"W, 392.21 FEET TO THE POINT OF BEGINNING; CONTAINING 28,301 SQUARE FEET.

EASEMENT AREA:

An underground electric easement described as follows:

THE NORTH TEN (10) FEET OF THE ABOVE-DESCRIBED PARCEL OF LAND. AS SHOWN ON EXHIBIT “A” ATTACHED HERE TO AND MADE A PART HEREOF BY REFERENCE; and

WHEREAS, Resolution 21-158 was approved by the Council on May 24, 2021, conveying this easement to MidAmerican Energy Company, but that such Resolution contained the incorrect legal description and is void of any effect in granting said easement herein; and

WHEREAS, it is in the best interest of the City of Council Bluffs to execute the easement agreement; and

WHEREAS, A public hearing set for January 24, 2022 at 7:00 p.m. for this matter shall be set

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the City Council hereby declares its intent to grant this easement to MidAmerican Energy Company for the above described property.

BE IT FURTHER RESOLVED

That a public hearing be scheduled for January 24, 2022.

ADOPTED
AND January 10, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk