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

RESOLUTION NO. 22-25

A RESOLUTION 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 SE1/4 SW1/4 AND SW1/4 SE1/4 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, The City has previously expressed its intent to grant a perpetual, non-exclusive easement for utility purposes on this property; and

WHEREAS, A public hearing has been held in this matter on January 24, 2022 at 7:00 p.m.; and

WHEREAS, Following public hearing and having given careful study to the proposal, the City Council determines that the perpetual, non-exclusive easement for utility purposes should be granted to Midamerican Energy Company 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

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

This perpetual, non-exclusive easement is hereby granted and the Mayor and City Clerk are hereby empowered and directed to execute a quit claim deed and all necessary documents conveying this easement to Midamerican Energy Company; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code Section 354.23.

ADOPTED
AND
APPROVED: January 24, 2022.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF) ss
POTTAWATTAMIE)

On this _____ day of _____, 2022, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State