



**CITY OF WAUKEE, IOWA  
CITY COUNCIL MEETING COMMUNICATION**

**MEETING DATE:** September 7, 2021

**AGENDA ITEM:** Consideration of approval of a resolution approving vacation of a water main easement [Grewell, Johnson properties]

**FORMAT:** Resolution

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**SYNOPSIS INCLUDING PRO & CON:**

**FISCAL IMPACT INCLUDING COST/BENEFIT ANALYSIS:**

**COMMISSION/BOARD/COMMITTEE COMMENT:**

**STAFF REVIEW AND COMMENT:** The proposed resolution was provided by the City Attorney.

**RECOMMENDATION:** Approve the resolution.

**ATTACHMENTS:** I. Proposed Resolution

**PREPARED BY:** Becky Schuett

**REVIEWED BY:**

**PUBLIC NOTICE INFORMATION –**

**NAME OF PUBLICATION:**

**DATE OF PUBLICATION:**

THE CITY OF WAUKEE, IOWA

RESOLUTION 2021-

A RESOLUTION VACATING A WATER MAIN EASEMENT

*IN THE NAME AND BY THE AUTHORITY OF THE CITY OF WAUKEE, IOWA*

**WHEREAS**, the City of Waukee, Dallas County, State of Iowa, is a duly organized municipal organization; **AND**,

**WHEREAS**, a “Limited Easement” was conveyed to the Xenia Rural Water District and recorded in Book 768 Page 466 of the Dallas County Recorder’s office (hereinafter referred to as “Water Main Easement”). Said easement was assigned and otherwise conveyed to the City of Waukee in 2005 by virtue of a written assignment of easement recorded in Book 2005 Page 19638; **AND**,

**WHEREAS**, the water main situated in the easement area has been abandoned in place and the Water Main Easement described above no longer serves a public purpose and is of no benefit to the public or the City; **AND**

**WHEREAS**, the City, at its cost, caused a notice of public hearing to be published as required by Iowa law, and following public hearing deems and determines that the Water Main Easement described above is of no benefit to the public; **AND**

**WHEREAS**, the current owners of the underlying fee title to the properties over which the easement is situated should no longer have their properties encumbered or otherwise burdened by the easement which no longer serves a public purpose.

**NOW THEREFORE BE IT RESOLVED** by the City of Waukee City Council after public hearing as required by Iowa Code Chapter 354.23, that the above-described water main easement is of no benefit to the public or the City.

**BE IT FURTHER RESOLVED** by the City of Waukee City Council that the City does hereby vacate the Water Main Easement described above and the Water Main Easement shall be considered vacated, terminated and otherwise of no further effect by virtue of this resolution.

Passed by the City Council of the City of Waukee, Iowa, and approved this the 7<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
Courtney Clarke, Mayor

Attest:

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Rebecca D. Schuett, City Clerk

**RESULTS OF VOTE:**

Anna Bergman Pierce  
R. Charles Bottenberg  
Chris Crone  
Larry R. Lyon  
Ben Sinclair

**AYE**

**NAY**

**ABSENT**

**ABSTAIN**