

RESOLUTION NO. 2019-359

**RESOLUTION APPROVING AN EMERGENCY WATERSHED
PROTECTION EASEMENT BETWEEN THE CITY OF ANKENY, IOWA
AND THE UNITED STATES OF AMERICA**

WHEREAS, the City of Ankeny acquired property that is subject to an Emergency Watershed Protection Program Floodplain Warranty Easement Deed ("Easement") recorded on April 6, 2012 in Book 14225 at Page 1 in the Polk County Recorder's Office;

WHEREAS, the City requested that the Easement be removed from a part of the property in order to facilitate a City roadway project;

WHEREAS, property was removed from the Easement as requested by the City in exchange for an equal or greater area being granted in a subsequent easement;

WHEREAS, the City of Ankeny has provided to the United States of America documentation required for approval of the new easement area by the Regional Office of General Counsel;

WHEREAS, the United States of America requests approval by the City Council of the City of Ankeny in the form of a Resolution before forwarding all documentation to the General Counsel; and

WHEREAS, the City Council of the City of Ankeny believes it is in the best interest of the City to grant the easement which will supersede the Easement recorded on April 6, 2012 in Book 14225 at Page 1 and to approve an Emergency Watershed Protection Program Floodplain Warranty Easement Deed to the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny, Iowa, that an Emergency Watershed Protection Program Floodplain Warranty Easement is hereby granted to the United States of America for the following described property:

EMERGENCY WATERSHED PROTECTION EASEMENT DESCRIPTION:

A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 19, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF ANKENY, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 19; THENCE SOUTH 0°31'42" EAST ALONG THE EAST LINE OF SAID NORTHWEST FRACTIONAL 1/4, A DISTANCE OF 703.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°31'42" EAST ALONG SAID EAST LINE OF NORTHWEST FRACTIONAL 1/4

AND ALONG THE EAST LINE OF AN EMERGENCY WATERSHED PROTECTION EASEMENT AS RECORDED IN BOOK 14130 PAGE 480 IN THE POLK COUNTY RECORDERS OFFICE, 449.63 FEET TO THE SOUTHERLY CORNER OF SAID EMERGENCY WATERSHED PROTECTION EASEMENT; THENCE NORTH 45°09'58" WEST ALONG THE WEST LINE OF SAID EMERGENCY WATERSHED PROTECTION EASEMENT, 139.63 FEET; THENCE NORTH 17°22'07" WEST CONTINUING ALONG SAID WEST LINE, 208.58 FEET; THENCE NORTH 36°47'04" WEST CONTINUING ALONG SAID WEST LINE, 334.88 FEET; THENCE NORTH 08°12'29" WEST CONTINUING ALONG SAID WEST LINE, 215.99 FEET; THENCE NORTH 26°34'51" WEST CONTINUING ALONG SAID WEST LINE, 197.85 FEET; THENCE NORTH 00°04'00" WEST CONTINUING ALONG SAID WEST LINE, 74.89 FEET TO THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF EAST 1ST STREET; THENCE SOUTH 89°36'49" EAST ALONG SAID PROPOSED SOUTH RIGHT-OF-WAY LINE, 400.08 FEET; THENCE SOUTH 00°04'01" EAST, 348.75 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 385.64 FEET, WHOSE ARC LENGTH IS 246.88 FEET AND WHOSE CHORD BEARS SOUTH 18°24'36" EAST, 242.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.79 ACRES (252,018 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

ACCESS EASEMENT:

A STRIP OF LAND 20.00 FEET IN WIDTH ACROSS THE NE 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 19, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF ANKENY, POLK COUNTY, IOWA AND BEING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 19; THENCE SOUTH 0°31'42" EAST ALONG THE EAST LINE OF SAND NW FRACTIONAL 1/4, A DISTANCE OF 439.05 FEET; THENCE SOUTH 88°28'20" WEST, 33.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SE FRISK AVE AND TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°28'20" WEST, 41.27 FEET TO THE EAST LINE OF THE EMERGENCY WATERSHED PROTECTION EASEMENT AND TO THE POINT OF TERMINUS.

BE IT FURTHER RESOLVED that the Emergency Watershed Protection Program Floodplain Warranty Easement Deed in the form presented by the United States of America be and is hereby accepted and approved.

BE IT FURTHER RESOLVED the Mayor Gary Lorenz and the City Clerk Denise Hoy are hereby authorized to execute the same.

APPROVED AND ADOPTED this 18th day of November 2019.

Gary Lorenz, Mayor

Attest:

Denise Hoy, City Clerk