

**RESOLUTION OF INTENT TO ASSIGN AND CONVEY
IMPROVEMENTS, PROPERTY AND PERMANENT EASEMENTS
TO THE DES MOINES METROPOLITAN
WASTEWATER RECLAMATION AUTHORITY**

WHEREAS, Polk County, Polk City and Ankeny entered into a Joint Public Service Agreement pursuant to the provisions of Chapter 28E of the Iowa Code which was recorded with the Secretary of State on May 24, 2007 and in the Office of the Polk County Recorder on May 16, 2007 in Book 12195, Pages 695-717 (hereinafter the "Joint Service Agreement"); and

WHEREAS, that agreement between Polk County, Polk City and Ankeny was to establish the terms and conditions between the County and the Cities for a joint project to finance, design, acquire land, and construct a sewer to serve areas in Polk County, Polk City and Ankeny, which for purposes of WRA nomenclature, is referred to as the Rock Creek Interceptor Sewer, Phase 26, Segment 1-5; and

WHEREAS, the Rock Creek Interceptor Sewer, Phase 26, Segments 1-5 was not included in the program of capital improvements in the WRA Agreement and was not contemplated by the WRA Communities or the WRA Agreement as an improvement for which the WRA would be responsible for; and

WHEREAS, Polk County, Polk City and Ankeny have requested that the WRA take ownership of the Rock Creek Interceptor Sewer and in return the WRA has requested consideration for taking over the Rock Creek Interceptor Sewer; and

WHEREAS, an agreement has been negotiated between the WRA and Polk County setting forth the terms and conditions pursuant to which the WRA will take ownership of the Rock Creek Interceptor Sewer; and

WHEREAS, the financial considerations for the WRA to accept the Rock Creek Interceptor Sewer, Phase 26, Segments 1 -5 is set forth in the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority; and

WHEREAS, Ankeny is now required to undertake the statutory process for the assignment and conveyance of the Project Improvements and of the Project Properties to the WRA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny, Iowa that:

1. The City of Ankeny declares its intent and proposal to assign and convey to the WRA by Assignment of Permanent Public Sanitary Sewer Easement and Quit Claim of Interest in Existing Sanitary Sewer Facilities all its rights, title and interests, including Project Improvements, in Easements recorded in the Office of the Polk County Recorder, recorded at Book 10644, Pages 133-135, Book 10644, Pages 130-132 and Book 10644, Pages 136-138.

2. The City Council further declares its intent and proposal to convey to the WRA by Assignment of Permanent Public Sanitary Sewer Easement and Quit Claim of Interest in Existing Sanitary Sewer Facilities all its rights, title and interest, including Project Improvements, in and to:
 - (a) existing sanitary sewer and related facilities constructed within the public right-of-way of West 1st Street, NW 5th Street and NW 18th Street and NW 36th Street, within Lot P boulder Brook Plat 14 for the Rock Creek Interceptor Sewer, Phase 26, Segments 1-5, described in Exhibit A hereto.
3. A public hearing shall be held on _____ at _____ p.m. in the City Council Chambers, Ankeny Kirkendall Public Library, 1250 SW District Drive, Ankeny, Iowa. At that time the City Council will consider the above described proposal.
4. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days prior to the date of hearing.

DATED this _____ day of _____, 20__.

Gary Lorenz, Mayor

ATTEST:

Denise Hoy, City Clerk