

ITEM#: 16
DATE: 05-23-23
DEPT: Electric

COUNCIL ACTION FORM

SUBJECT: 126 S. KELLOGG AVE - ELECTRIC UTILITY EASEMENT ON STORY COUNTY PROPERTY

BACKGROUND:

There is an existing buried electric line and padmount transformer located on the south side of the Story County Human Services building at 126 S. Kellogg Avenue. The Electric Services Department has prepared an electric utility easement to protect the rights of the City to maintain these existing facilities. A future extension of the buried electric line to provide service to the proposed Bridge Home social services campus construction is prompting the need to obtain this easement.

Staff from Story County Human Services is supportive of granting this easement to cover the existing electric facilities on the site and permit the future extension to the south. A copy of the easement, signed by Ames will be presented to the Story County Board of Supervisors for its approval at the next Board of Supervisors meeting.

ALTERNATIVES:

1. Approve the Electric Utility Easement on the Story County Human Service property. The easement shall be conditioned upon the approval by the Story County Board of Supervisors.
2. Do not approve the Electric Utility Easement on the Story County Human Services property and find another source to provide service to the future load growth to the south of the site.

CITY MANAGER'S RECOMMENDED ACTION:

The Bridge Home social services campus is proposed to the south of the Story County Human Services site. Electric service to the Bridge Home campus will be extended from the existing electric facilities on the Story County Human Services site. The proposed easement will ensure that the Electric Services Department has the rights to access the existing electric facilities on the Story County Human Services site.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

Prepared by: Mark Imhoff, City of Ames Electric Engineering Division, 502 Carroll Avenue, Ames, Iowa 50010; ph. 515-239-5175

**CITY OF AMES
ELECTRIC FACILITIES EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That STORY COUNTY, IOWA, whose address is 900 Sixth Street, Nevada, IA 50201, and its successors and assigns, (do/does) hereby grant, bargain and convey to the City of Ames, Iowa, a municipal corporation, a perpetual right of way and easement, with the right, privilege and authority to said municipal corporation, its successors, licensees, assigns and lessees, to locate, relocate, replace, construct, reconstruct, repair, operate, maintain, patrol and/or remove an underground line or lines of poles plus all relevant wires and fixtures, for the purpose of transmitting and/or distributing electric and telecommunications in, on, through, over, under and across the following described land in the County of Story, State of Iowa:

DESCRIPTION:

THE SOUTH 15 FEET OF THE EAST 110 FEET OF A LOT DESCRIBED AS LOTS 7, 8, 9, 10, 11 AND 12 AND THE VACATED ALLEY BETWEEN SAID LOTS, ALL IN BLOCK 2, BLACK'S SECOND ADDITION TO AMES, STORY COUNTY, IOWA.

(See attached plat marked and made a part hereof.)

together with (a) the right, privilege and authority to trim, cut and remove from said premises any trees, overhanging branches or other obstructions within a radius of 10 (ten) feet from said line or lines of poles, wires and fixtures, as located, (b) the right of ingress and egress to, from and over the above-described premises for doing anything necessary or useful for the enjoyment of the easement herein granted, and (c) all other rights, easements, privileges and appurtenances, in or to said lands, which may be required for the full enjoyment of the rights herein granted, together with the right to assign or grant partially or wholly to others the right or license to use the easement herein granted or any part thereof for the uses and with the rights herein specified.

Grantor(s) warrant(s) that it has good title to the above described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantor(s), its tenants, heirs, successors and assigns shall have the right to use and enjoy said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures or improvements either permanent or temporary in nature, nor shall the terrain be altered without prior written consent of Grantee, nor shall any other utilities be placed in, on, through, over or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

To the fullest extent permitted by law, Grantee shall indemnify, protect, and hold harmless Grantor from and against any and all third party claims and demands for damages to property, and for injury or death to persons, which may arise out of or be caused by the negligent construction or maintenance activities of Grantee related to the transmitting and/or distributing electric and telecommunications lines for which this easement is granted.

Grantee shall construct, operate, and maintain the Collection Lines in accord with the requirements of the National Electric Safety Code, the Iowa Electric Safety Code, the Story County Code of Ordinances, the Rules and Regulations of the Iowa Utilities Board, and the Ames Municipal Code, to the extent that such codes, rules and regulations apply to Grantee.

The foregoing rights are granted upon the express condition that the City of Ames, Iowa, will assume all liability for all damages to the above described property caused by the City's failure to use due care in its exercise of the rights, privileges and authorities granted.

Dated at _____, this _____ day of _____, 20____.
City State

Signature

Printed Name

STORY COUNTY, IOWA

By: _____
Printed Name: _____
Title: Chair of Board of Supervisors

By: _____
Printed Name: _____
Title: Story County Auditor

STATE OF IOWA
COUNTY OF STORY

On this _____, 2023, before me, a Notary Public in and for the State of Iowa, personally appeared _____ and _____, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of Story County, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of Story County, Iowa, and that the instrument was signed and sealed on behalf of Story County, Iowa, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (the Resolution adopted) by the Board of Supervisors, under Roll Call No. _____ of the Board of Supervisors on _____, 2023 and _____ and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of Story County, Iowa, by it voluntarily executed.

Notary Public
Print Name: _____

STAMP

My commission expires: _____



S. SHERMAN AVENUE (66')

S00°30'04"E 197.55'

15'

110'

(20')

S89°51'10"E 347.40'

ALLEY

BLACK'S 2ND ADDITION
BLOCK 2

N89°52'32"W 347.09'

S. 2ND STREET (66')

7

8

9

12

10

11

126

N00°35'25"W 197.70'

S. KELLOGG AVENUE (66')

EASEMENT DESCRIPTION

THE SOUTH 15 FEET OF THE EAST 110 FEET OF A LOT DESCRIBED AS LOTS 7, 8, 9, 10, 11 AND 12 AND THE VACATED ALLEY BETWEEN SAID LOTS, ALL IN BLOCK 2, BLACK'S SECOND ADDITION TO AMES, STORY COUNTY, IOWA.



PROPOSED
ELECTRIC EASEMENT

126 S. KELLOGG AVE
STORY CO. HUMAN SVCS BLDG

Drawn: MEI 11/30/22

Drawing Number

Checked:

EXHIBIT 'A'

Approved:

Sheet 1 of 1

Scale: 1"=50'