

ITEM #:	33
DATE:	08-11-26
DEPT:	ELEC

COUNCIL ACTION FORM

SUBJECT: VACATION OF ELECTRIC UTILITY EASEMENT AND APPROVAL OF DISCLAIMER OF INTEREST IN REALTY FOR 161KV TRANSMISSION LINE RELOCATED FOR IOWA DEPARTMENT OF TRANSPORTATION

BACKGROUND:

Electric Services has completed the relocation of its 161kV transmission line to accommodate Iowa Department of Transportation (IDOT) highway improvements along Interstate 35 north of Ankeny. These improvements include construction where I-35 crosses NE 158th Ave and NE 142nd Ave and at the I-35 interchange of NE 126th Ave.

The expenses for this relocation will be reimbursed by IDOT under the terms of a reimbursement agreement previously approved by Council and IDOT. **One of the terms of the reimbursement agreement is that the City must approve a Disclaimer of Interest in Realty (DIR), which relinquishes any interest that the City may have in certain prior recorded documents. This DIR relates to a single parcel at NE 126th Ave. in Polk County. The DIR form, along with the two instruments that it references are included as attachments to this Council Action Form.**

On this same parcel, IDOT acquired and recorded in 2023 (on behalf of the City of Ames) a new easement sufficient to accommodate the requested relocation of Ames' transmission line. This 2023 easement partially overlaps an existing easement which must also be vacated. **IDOT does not require vacation of this easement in order to reimburse relocation expenses, but it is no longer needed and should therefore be vacated; this older easement had a final exercise recording date in 2008.**

ALTERNATIVES:

1. Approve the request from IDOT to approve the DIR form and vacation of the 2008 electric utility easement at NE 126th Street and I-35 in Polk County.
2. Do not consider vacation of the electric utility easement and refer this item back to City staff for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

With the new easement recorded in 2023, the City no longer has an interest in the prior 2008 easement to be vacated, or in the warranty deed and easement referenced in the IDOT DIR form. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

ATTACHMENT(S):

[IDOT DIR.pdf](#)

[DIR Exhibit 1-- Warranty Deed 19393_358.pdf](#)

[DIR Exhibit 2-- DIR Easement PH 19393-362.pdf](#)

[Easement Vacation -Option -Extension-Exercise.pdf](#)