

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

00-129

SYNOPSIS -

AGENDA:

APRIL 3, 2000

Approval of Agreement with David Wetsch, West Summit Developers, Ltd. and Polk County to re-issue condemnation check for property condemned at 3800 Army Post Road. The Agreement requires the property owner to clear up certain title matters and provides for Wetsch to indemnify and hold the City harmless for the re-issuance of the condemnation check.

SUBJECT:

AGREEMENT FOR
DISBURSEMENT OF
CONDEMNATION
AWARD

FISCAL IMPACT -

No additional fiscal impact as the Council previously approved the payment of the condemnation award in the amount of \$300,000.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION -

Approval.

SUBMITTED BY:

WILLIAM F.
FLANNERY
AVIATION
DIRECTOR

BACKGROUND -

On July 15, 1996, the City Council authorized the acquisition by gift, purchase, or eminent domain of the right-of-way necessary for the relocation of Army Post Road and Highway 28 and the extension of Runway 23. On April 6, 1999, the Airport Board approved the fair market value of the property at 3800 Army Post Road in the amount of \$189,000. On October 22, 1999, the condemnation was held and the Condemnation Commission awarded \$300,000. The property owner appealed and a settlement was approved by the Council for the amount of the condemnation award. The Council approved the settlement on December 20, 1999.

In instituting the condemnation, all lien holders and encumbrancers are named in the action. Therefore, various

individuals and entities were named in the condemnation application and as a result, are included on the condemnation check. The property owner has approached the City and asked that the check be re-issued solely to the property owner, in return for the property owner satisfying and releasing the liens and encumbrances that have not expired by virtue of the statute of limitations. In addition, the property owner would agree to indemnify and hold the City blameless for re-issuance of the condemnation check.