



**Council  
Communication**  
Office of the City Manager

**Date**

July 10, 2006

**Agenda Item No.** 23  
**Roll Call No.** 06-  
**Communication No.** 06-429  
**Submitted by:** **Jeb E. Brewer, P.E.**  
City Engineer

**AGENDA HEADING:**

Authorization of payment of condemnation award for the acquisition of property located at 911 29th Street for the I-235 sanitary sewer relocations - Group 4 Project to Michael Dennis Welch in the amount of \$1,000.

**SYNOPSIS:**

Recommend approval of payment of condemnation award for a permanent easement for sanitary sewer in the amount of \$1,000. This action is necessary to authorize payment of the condemnation award, which allows the City to obtain legal possession of the easement area and proceed with construction of the sewer project.

**FISCAL IMPACT:**

Amount: \$2,557.65 (\$1,000 for Award and \$1,557.65 for hearing costs)

Funding Source: 2005-2006 CIP, Page STR-26, I-235 Storm & Sanitary Sewer Improvements, STR197, State Loan Funds

**ADDITIONAL INFORMATION:**

Michael Dennis Welch is the owner of property located at 911 29<sup>th</sup> Street, which was identified for acquisition of a permanent easement for sanitary sewer for the I-235 Sanitary Sewer Relocations - Group 4 Project. The approved fair market value of the property interests to be acquired were established at \$1,000, based on a compensation estimate performed by the City's Real Estate Division. The City's Real Estate Division was unable to negotiate a voluntary settlement and condemnation proceedings were subsequently instituted for the aforementioned property interests.

The Polk County Condemnation Commissioners convened on June 21, 2006, in Des Moines, Iowa and the Sheriff has submitted the certification of costs and awards of said proceeding. The condemnation award is equal to the City's compensation estimate for the property interests to be acquired at \$1,000, with no attorney fees awarded. The Real Estate Division and Legal Department recommend approval of this award so the project can advance. Pursuant to section 6B.25 of the Iowa Code, the award must be

deposited with the Sheriff in order for the City to enter onto the property and take possession as is necessary for the project to proceed.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 6, 2001

Roll Call Number: 01-2397

Action: Authorized the execution of supplemental agreement No. 2 by and between the Iowa Department of Transportation, Veenstra & Kimm, and the City of Des Moines and authorized the acquisition of right of way for sanitary sewer and other purposes in conjunction with the I-235 Corridor improvements. Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

Date:

Roll Call Number:

Action:

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**