



**Council
Communication**
Office of the City Manager

Date

August 7, 2006

Agenda Item No. 14
Roll Call No. 06-
Communication No. 06-489
Submitted by: **Jeb E. Brewer, P.E.**
City Engineer

AGENDA HEADING:

Authorize payment of condemnation award for the acquisition of property located at 3000 Twana Drive for the Twana/Bel-Aire Relief Storm Sewer Project in the amount of \$8,000.

SYNOPSIS:

Approval of payment of condemnation award for a Permanent Easement for Storm Sewer and Temporary Easement for Construction in the amount of \$8,000. 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: \$8,000

Funding Source: 2006-07 CIP, Storm Water Improvements, Page 15, Twana/ Bel-Aire Storm Sewer Improvements, STE079

ADDITIONAL INFORMATION:

Dustin K. Boyer is the property owner of property located at 3000 Twana Drive, which was identified for acquisition of a permanent easement for storm sewer and temporary easement for construction for the Twana/ Bel-Aire Relief Storm Sewer Project. 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 August 2, 2006, in Des Moines, Iowa and the sheriff has submitted the certification of costs and awards of said proceeding. 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 proceed to enter on to the property and take possession as is necessary for the project to proceed.

PREVIOUS COUNCIL ACTION(S):

Date: March 20, 2006

Roll Call Number: 06-514

Action: Authorized acquisition of the necessary right-of-way and easements for the Twana/Bel-Aire Relief Storm Sewer Project By Gift, Negotiation, or Condemnation. Moved by Brooks to adopt. Motion Carried 7-0.

Date: January 23, 2006

Roll Call Number: 06-122

Action: Approved Professional Services Agreement with Snyder & Associates, Inc. for the following: (B) Design and construction administration services in conjunction with Twana Bel-Aire Relief Storm Sewer Project, not to exceed \$124,300. ([Council Communication No. 06-041](#)) Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE