 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	April 11, 2016
	<b>Agenda Item No.</b>	<b>14</b>
	<b>Roll Call No.</b>	<b><u>16-0555</u></b>
	<b>Communication No.</b>	<b><u>16-186</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Acceptance of real estate documents and settlement and release agreement from Raul Camarena Garcia and Francisca Camarena for property located at 731 East Emma Avenue.

**SYNOPSIS:**

Recommend Council acceptance of real estate documents and settlement and release agreement from Raul Camarena Garcia and Francisca Camarena for property located at 731 East Emma Avenue. This action is required to authorize the acquisition of a Permanent Easement for Ingress and Egress from Raul Camarena Garcia and Francisca Camarena, 731 East Emma Avenue, Des Moines, Iowa, 50315, for \$2,050. The easement is needed for access by the City to maintain an existing sanitary sewer located on adjoining private property to the east. This action is also required to accept a settlement and release agreement from Raul Camarena Garcia and Francisca Camarena for \$20,750 to restore damages to their driveway caused by the City and to release the City from any and all liability for said damages.

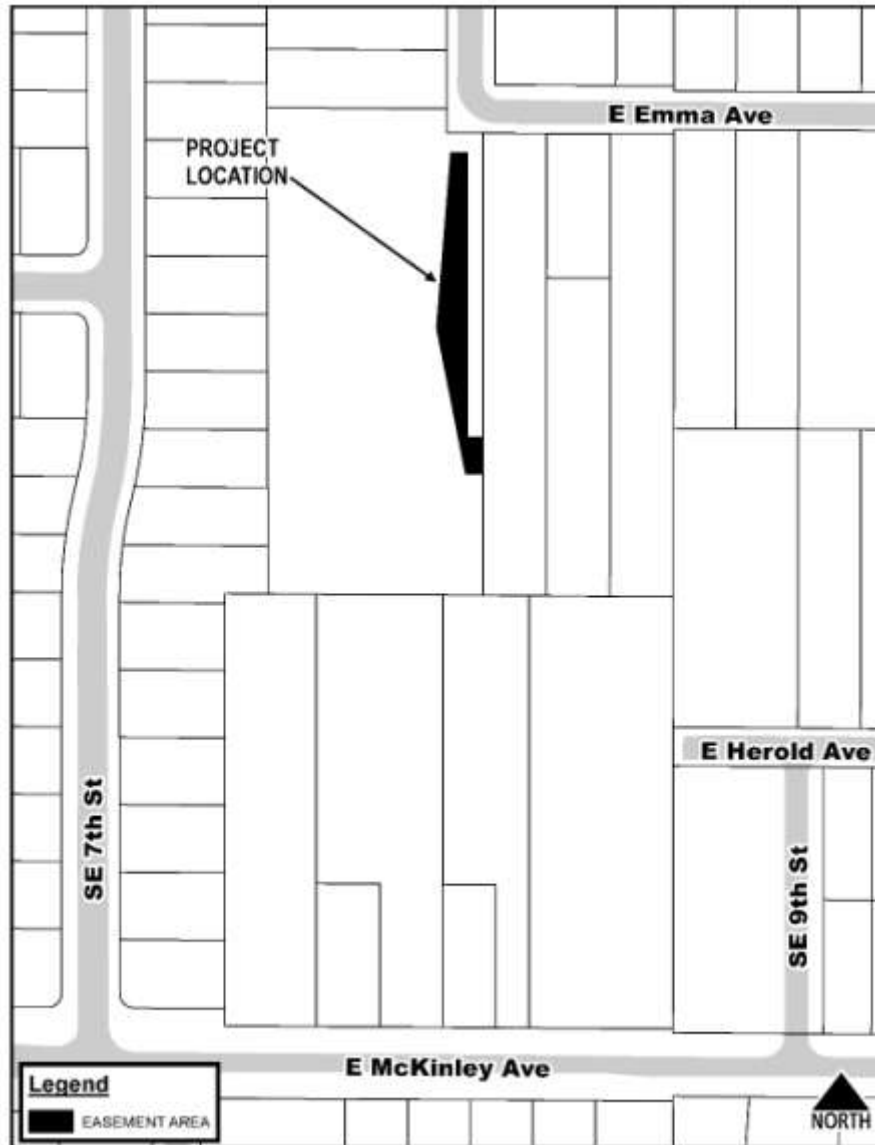
**FISCAL IMPACT:**

Amount: \$22,800 (plus closing costs)

Funding Source: 2016-17 CIP, Page Sanitary Sewer Improvements – 6, City-wide Sanitary Sewers, SS054

**ADDITIONAL INFORMATION:**

- Raul Camarena Garcia and Francisca Camarena are the owners of property located at 731 East Emma Avenue in Des Moines. They submitted a claim to the City for damages to their private driveway caused by the City’s use of the driveway for repair to an existing sanitary sewer that occurred between June and July of 2013.
- City staff has negotiated a settlement with the property owners in the amount of \$20,750 that will be used to install a new driveway, plus a Permanent Easement for Ingress and Egress across the driveway will be conveyed to the City for \$2,050. In exchange, the property owners will waive all claims against the City for damages to the driveway.



**PREVIOUS COUNCIL ACTION(S): NONE**

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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