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## APPROVING PROPERTY ACQUISITION SETTLEMENT AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE I-235 DEAN'S LAKE OUTLET STORM SEWER – PHASE 2 PROJECT

WHEREAS, on September 24, 2001, by Roll Call No. 01-2846, the City Council of the City of Des Moines approved a Professional Services Agreement with Veenstra and Kimm, Inc., for design services for the Dean's Lake Outlet Storm Sewer – Phase 2 Project ("Project"); and

WHEREAS, on November 22, 2004, by Roll Call No. 04-2515, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct this project; and

WHEREAS, on September 28, 2009, by Roll Call No. 09-1742, the City Council of the City of Des Moines established fair market value of certain property interests to be acquired from Union Pacific Railroad (UPRR) for the Project; and

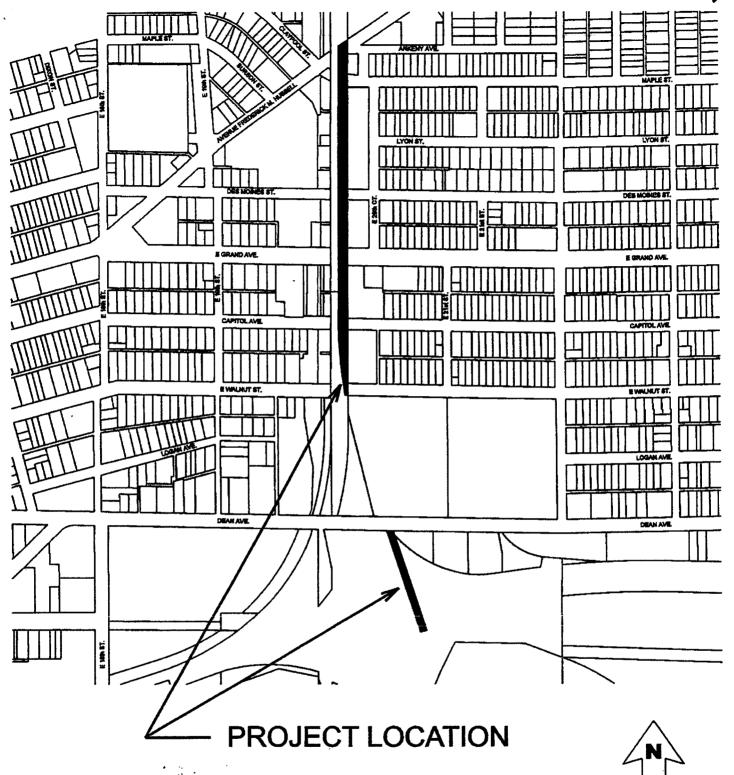
WHEREAS, subsequent to said Council action, the Project Engineer and consultants determined that additional property interests were needed to be acquired from the UPRR for the Project that significantly increased the anticipated cost of acquisition above the established and appraised fair market value; and

WHEREAS, the City Engineering Department Real Estate Division and Legal Department have negotiated a settlement with Union Pacific Railroad in the amount of \$150,000 for all previously established and newly identified property interests required for this Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

- 1. That the settlement calling for payment of the total amount of \$150,000 to Union Pacific Railroad as consideration for all necessary permanent, temporary, crossing and access interests needed for the Dean's Lake Outlet Storm Sewer Phase 2 Project is hereby approved.
- 2. That following final review and approval by the Legal Department, the Mayor is authorized and directed to sign the Easement Deed and Agreement, in substantially the form as on file in the office of the City Clerk, and all related documents as approved by the Legal Department and the City Clerk is authorized and directed to attest to the Mayor's signature.

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	unfor Depar check	eseen a rtment; as, if any	dditior the Re y, need	nal costs al Estate ed to car	is authorized and directed to issue checks and pay any certified by the Legal Department and the Engineering Division Manager is authorized and directed to obtain the cry out these transactions and to deliver them to the payees.
٦.					and approval of all closing documents prior to closing.
5.	docur direct	nents a ed to d	pprova eliver	l and acsaid clos	eby authorized and directed to endorse upon the closing ecceptance of this Council and is further authorized and sing documents to the Real Estate Division Manager, who eccordance with standard real estate practices.
		M			nmunication No. 10 ) to adopt.
APPROV Glenna K Assistant	. Frank	5. 2a	RM:	<u>.                                    </u>	
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					
COLEMAN					I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of
GRIESS					said City of Des Moines, held on the above date,
KIERNAN	1	1			among other proceedings the above was adopted.
MAHAFFEY		1			IN WITNESS WHEREOF, I have hereunto set my
MEYER	1	-			hand and affixed my seal the day and year first
MOORE	+				above written.
TOTAL MOTION CARRIED	1		A	PPROVED	
				Mayor	City Clerk



AQUISITION FOR I-235 DEAN'S LAKE OUTLET SEWER - PHASE 2 FROM UNION PACIFIC RAILROAD COMPANY