

Date March 20, 2006

RESOLUTION TO AUTHORIZE PAYMENT OF CONDEMNATION AWARD FOR THE ACQUISITION OF PROPERTY LOCATED IN THE VICINITY OF 4600 FLEUR DRIVE FOR THE MCKINLEY AVENUE RECONSTRUCTION PROJECT

WHEREAS, on February 9, 2004 by Roll Call No. 04-267, the City Council of the City of Des Moines, Iowa authorized the acquisition of all necessary property interests by gift, negotiation, or condemnation for the McKinley Avenue Reconstruction Project; and,

WHEREAS, according to City Council policy, the City Manager has established fair market value for the following described property:

Titleholder:	Darshan's Iowa Stations One Inc.
Property Interests to be Acquired:	Permanent Avigation and Hazard Easement
Fair Market Value:	\$2,000
Property Location:	4600 Fleur Drive - Tax Parcel ID# 120/07065-003-000, 120/07065-003-000

WHEREAS, the City's Real Estate Division was unable to negotiate a settlement on the above described property; and,

WHEREAS, condemnation proceedings were subsequently instituted for the aforementioned property interests; and,

WHEREAS, the Polk County Condemnation Commissioners convened on March 8, 2006, in Des Moines, Iowa; and,

WHEREAS, the Sheriff has submitted his record of certification as to the fee award of said proceeding; and,

WHEREAS, 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; and,

WHEREAS, the City of Des Moines' Real Estate Division of the Engineering Department and the Legal Department recommend approval of the Condemnation Commissioners' award to property owner(s) and all other payees and that other fees and jury expenses be deposited with the Sheriff in order to proceed with the project.

WHEREAS, the City of Des Moines has a reasonable expectation that it will achieve a public purpose, comply with all applicable standards, and obtain all necessary permits in conjunction with this project.

Date March 20, 2006.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Council hereby authorizes the payment of the award of \$2,000 for a Permanent Avigation and Hazard Easement to the aforementioned property owner plus Sheriff's fees and jury expenses as certified by the Sheriff of Polk County.

That the Finance Director is authorized and directed to draw checks in the amounts set forth above for the payment of the condemnation award and Commissioners and Sheriff's fees as certified by the Sheriff of Polk County, Iowa, to the City of Des Moines, and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to obtain the checks needed to carry out this transaction and to deliver them to the Sheriff of Polk County and the Real Estate Division Manager is also charged with securing the proper receipts therefor.

Moved by _____ to adopt.

Account: 541010
Fund: EN004
Organization: AIR990000
Project/Grant: AIR068
Activity ID: 27-2004-000

APPROVED AS TO FORM:

Emily Gould Chafa
Emily Gould Chafa
Assistant City Attorney

(Council Communication No. 06-157)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

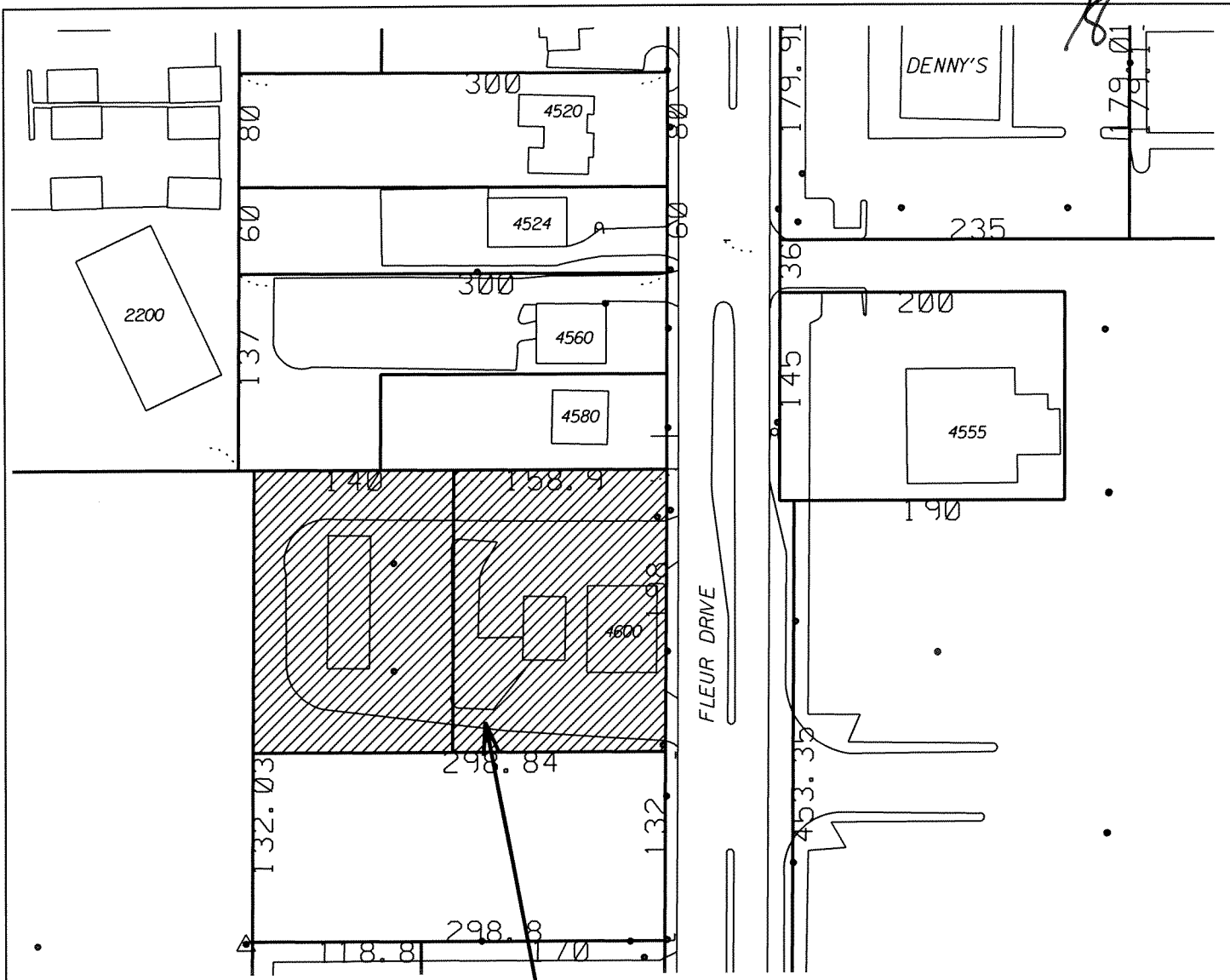
Mayor

CERTIFICATE

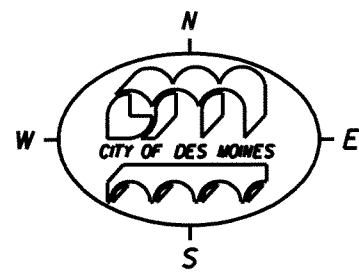
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



**PROPERTY
LOCATION**



**PROPERTY ACQUISITION
4600 FLEUR DRIVE
MCKINLEY AVENUE RECONSTRUCTION
ACTIVITY I.D. 27-2004-000**