

Date May 4, 2009

ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM MIDAMERICAN ENERGY COMPANY FOR THE PRINCIPAL RIVERWALK PROJECT

WHEREAS, in the process of the City completing survey work for the Principal Riverwalk Project, it was discovered that the existing City flood wall encroaches onto the northeast corner of MidAmerican Energy Company’s substation property located at East Grand Avenue and 2nd Avenue; and

WHEREAS, to resolve this property encroachment, MidAmerican Energy Company has agreed to grant the City of Des Moines a Permanent Easement for Flood Protection Levee and Floodwall; and

WHEREAS, in accordance with City Council policy, the City Manager established Fair Market Value for the permanent easement in the amount of \$200.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached document is hereby approved and accepted as follows:

- Property Owner: MidAmerican Energy Company
- Property Location: MidAmerican’s Substation – East Grand and 2nd Avenues
- Document Type: Permanent Easement for Flood Protection Levee and Floodwall
- Established Fair Market Value: \$200
- Consideration: \$200 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction 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 complete the transaction in accordance with standard real estate practices.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department’s review and approval of all closing documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Real Estate document listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned document to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

★ Roll Call Number

Agenda Item Number

16

Date May 4, 2009

Page 2

(Council Communication No. 09- 279)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

rw

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

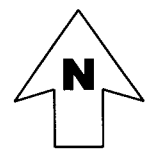
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 Mayor

 City Clerk



PROJECT LOCATION



PRINCIPAL RIVERWALK
MIDAMERICAN ENERGY COMPANY
32-2008-022