

Date July 10, 2006.....

**AUTHORIZE PAYMENT OF CONDEMNATION AWARD FOR THE ACQUISITION OF PROPERTY LOCATED AT 857 29TH STREET FOR THE I-235 SANITARY SEWER RELOCATIONS PROJECT - GROUP 4**

WHEREAS, on August 6, 2001, by Roll Call No. 01-2397, 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 I-235 Corridor Improvements Project; and,

WHEREAS, on March 6, 2006, by Roll Call No. 06-431, the City Council established fair market value for the following described property:

- Titleholder and Contract Purchasers: Bankers Trust Company of California NA, Michael A. & Kathryn Marasco, and Charlotte Sue McVey
- Property Location: 857 29th Street
- Property Interests to be Acquired: Permanent Easement for Sanitary Sewer  
Temporary Easement for Construction

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 June 19, 2006, in Des Moines, Iowa; and,

WHEREAS, the Sheriff has submitted his record of certification of costs and awards 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 owners 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.

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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 \$24,420.00 for a permanent easement for sanitary sewer and a temporary easement for construction to the aforementioned property 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.

(Council Communication No. 06-426)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa  
 Emily Gould Chafa  
 Assistant City Attorney

Activity ID: 32-2005-001  
 2005-2006 CIP, Page STR-26, I-235  
 Storm & Sanitary Sewer Improvements,  
 STR197, State Loan Funds

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

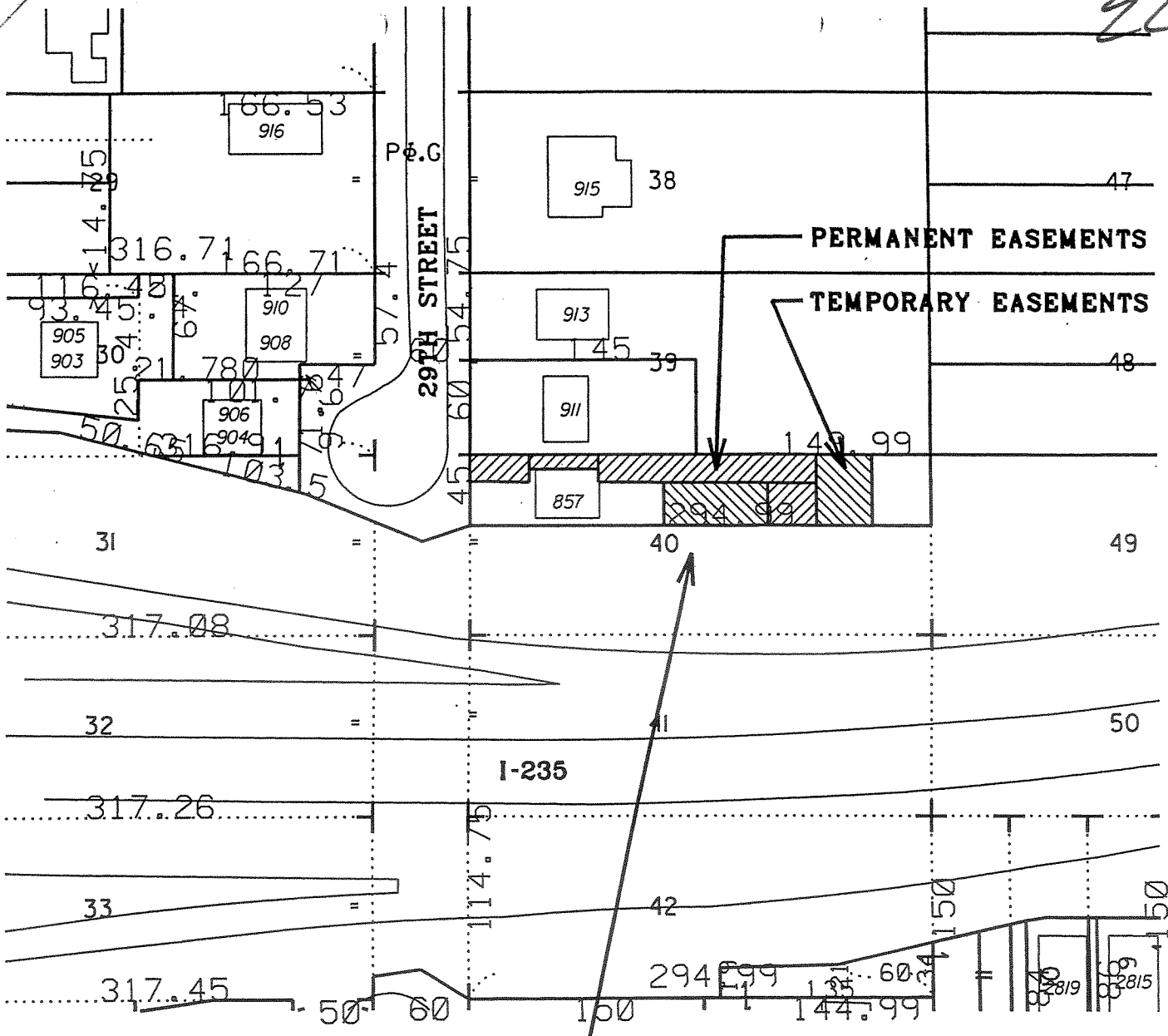
MOTION CARRIED APPROVED  
 \_\_\_\_\_ Mayor

**CERTIFICATE**

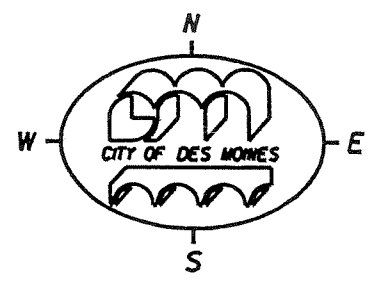
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

\_\_\_\_\_ City Clerk



**EASEMENT  
LOCATIONS**



**CONSTRUCTION EASEMENTS  
I-235 SANITARY SEWER RELOCATION  
ACTIVITY I.D. 32-2005-015**