

★ **Roll Call Number**

Agenda Item Number

28 ✓

Date..... October 8, 2007

WHEREAS, Leroy Rothfus, Richard Rothfus and Roland Rothfus filed suit in Leroy Rothfus, Richard Rothfus and Roland Rothfus v. City of Des Moines, IA, Warren County District Court No. CV 29329, as the result of the condemnation of temporary and permanent easements of their farmland property located in Warren County, Iowa; and


WHEREAS, a settlement was negotiated whereby the City would pay the total amount of \$13,840 to the Rothfus' and that the Rothfus' would dismiss their appeal in Leroy Rothfus, Richard Rothfus and Roland Rothfus v. City of Des Moines, IA, Warren County District Court No. CV 29329; and

WHEREAS, approval of the settlement would be in the best interests of the City of Des Moines; NOW, THEREFORE,

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

That the settlement calling for payment of the total amount of \$13,840 in consideration of dismissal of Leroy Rothfus, Richard Rothfus and Roland Rothfus v. City of Des Moines, IA, Warren County District Court No. CV 29329 is hereby approved and the Finance Director is authorized and directed to draw a warrant in the amount of \$13,840 payable to Leroy Rothfus, Richard Rothfus and Roland Rothfus and Robert L. Stuyvesant, Stuyvesant & Benton, their attorney.

FORM APPROVED: _____ MOVED BY _____ TO ADOPT



 Susan A. Low
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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