

Date October 22, 2007.....

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM
THE DES MOINES WATER WORKS FOR THE MARTIN LUTHER KING, JR.
PARKWAY PROJECT – EAST/WEST SEGMENT**

WHEREAS, on August 23, 1999, by Roll Call No. 99-2618, the City Council of the City of Des Moines, Iowa, authorized mailing and publication of Notice of Intent and set a date for public hearing on the continuation of a previously approved public improvement project to construct the Martin Luther King, Jr. Parkway Project and to continue the acquisition or condemnation of property not yet acquired for the public improvement, and authorized notice of the hearing to be duly published and mailed to property owners having an interest in the matter as required by law; and,

WHEREAS, on October 4, 1999, by Roll Call No. 99-3144, the City Council held said hearing and subsequently resolved that it is necessary and advisable to construct said public improvement and authorized the City Manager to continue with the design of said public improvement and to proceed with the necessary activities and negotiations to acquire by purchase, gift, or condemnation, subject to approval by the City Council, the remaining property and property interests required for the construction of said public improvement; and,

WHEREAS, on December 16, 2002, by Roll Call No. 02-2981, the City Council approved and authorized execution of a Chapter 28E Agreement with the Des Moines Water Works for relocation of water utility facilities in connection with the Martin Luther King, Jr. Parkway Project, subject to which Agreement Des Moines Water Works is to grant to the City certain property interests as described below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that following listed documents are hereby approved and accepted as per the above-referenced Chapter 28E Agreement as follows:

- Property Owner: Des Moines Water Works
- Property Location: Vicinity of Fleur Drive, Martin Luther King, Jr. Parkway
North/South and East/West
- Document Type: Permanent Easement for Storm Sewer
Permanent Easement for Street Right of Way, Bridge
Structures and Roadway Clear Zone
- Consideration: \$1.00 plus all title and closing costs

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transactions 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 transactions 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.

★ Roll Call Number

Agenda Item Number

14

MLK Jr. Pkwy – E/W Segment DMWW: Page 2

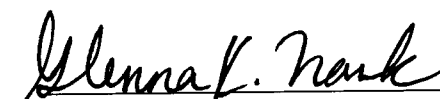
Date October 22, 2007

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

Moved by _____ to adopt.

APPROVED AS TO FORM:

2007/08 CIP: Street Improvements,
Martin Luther King Jr. Parkway – N/S
and E/W Combined , STR138, Page
Street Improvements – 25.


Glenna K. Frank
Assistant City Attorney

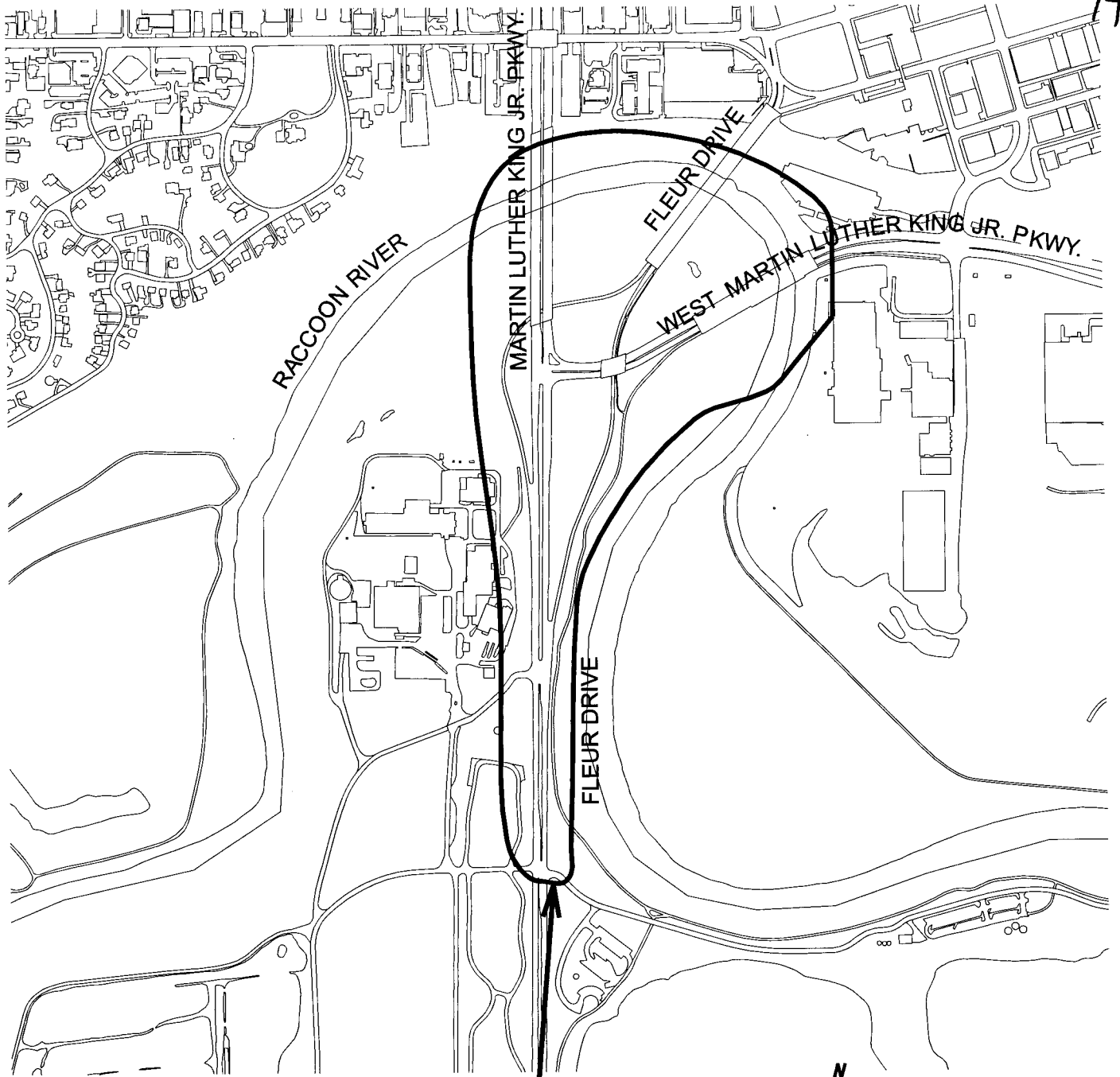
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

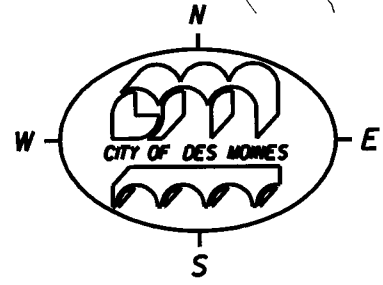
I, Diane Rauh, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk



**PROPERTY
LOCATION**



**PROPERTY ACQUISITIONS
MARTIN LUTHER KING
JR. PKWY. PROJECT
ACTIVITY I.D. 28-2006-027**