

★ Roll Call Number

Agenda Item Number

16

Date ..... December 18, 2006 .....

SW Connector – UPRR Amended RE Docs: Page 1

**RESOLUTION TO APPROVE AMENDMENT TO AGREEMENT TO PURCHASE REAL ESTATE FOR ABANDONED RAILROAD CORRIDOR PROPERTY FROM THE SOUTH SIDE OF GRAY’S LAKE AND EXTENDING WESTERLY TO SOUTHWEST 30<sup>TH</sup> STREET FOR THE SOUTHWEST CONNECTOR PROJECT**

**WHEREAS**, on March 28, 2005, by Roll Call No. 05-687, the City Council of the City of Des Moines, Iowa, authorized the early acquisition of property located from vacated SW 12<sup>th</sup> Street West to SW 30<sup>th</sup> Street for the future Southwest Connector Project by Voluntary Purchase; and

**WHEREAS**, on August 22, 2005, by Roll Call No. 05-2044, the City Council of the City of Des Moines, Iowa, established Fair Market Value and authorized acquisition of the abandoned Railroad Corridor from the south side of Gray’s Lake and extending westerly to Southwest 30<sup>th</sup> Street for the Southwest Connector Project by Gift, Negotiation, or Condemnation; and

**WHEREAS**, on October 23, 2006, by Roll Call No. 06-2079, the City Council of the City of Des Moines, Iowa, approved the Agreement to Purchase Real Estate for the above referenced property; and

**WHEREAS**, the Agreement to Purchase provides for closing on or before December 29, 2006; and

**WHEREAS**, the City’s Legal and Engineering Departments are in negotiations with Union Pacific Railroad to amend the Agreement to Purchase Real Estate to address certain environmental issues with the property to be acquired; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that an Amendment to the Agreement to Purchase Real Estate relating to the following property:

Property Owner:	Union Pacific Railroad Company
Property Location:	Vacated Railroad Southwest 12 <sup>th</sup> Street to Southwest 30 <sup>th</sup> Street
Document Type:	Form of Amended Agreement to Purchase Real Estate

is hereby approved if an amendment acceptable to the Legal and Engineering Department is reached. That the City Clerk is hereby authorized and directed to endorse upon the Real

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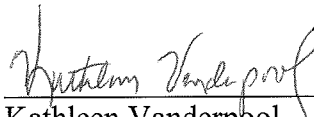
Date December 18, 2006

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Estate documents listed above the approval and acceptance of this Council, the Mayor is authorized and directed to sign the Amendment to the Agreement to Purchase Real Estate, and the City Clerk 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:

  
 Kathleen Vanderpool  
 Deputy City Attorney

Activity ID: 32-2005-017  
 2006-07 CIP, Street Improvements, Corridor Studies, Page 11.

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

MOTION CARRIED APPROVED

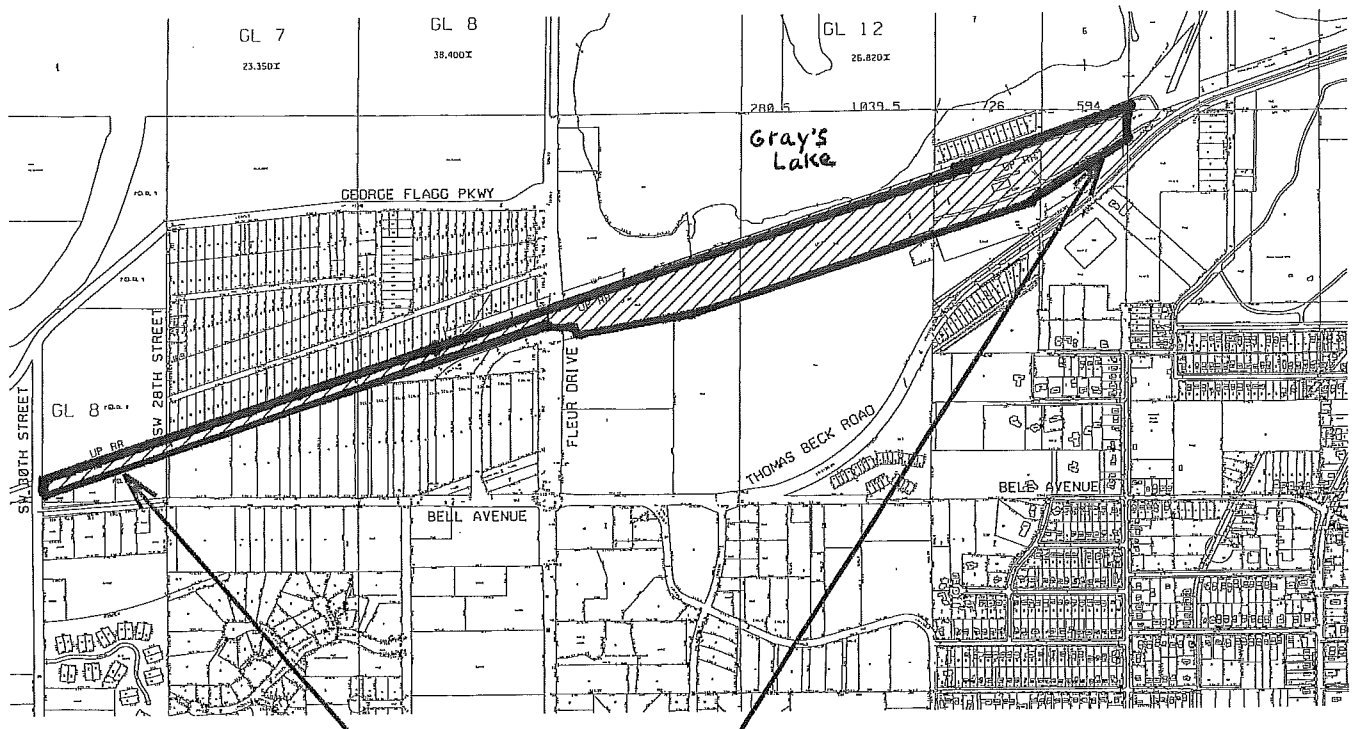
\_\_\_\_\_  
 Mayor

**CERTIFICATE**

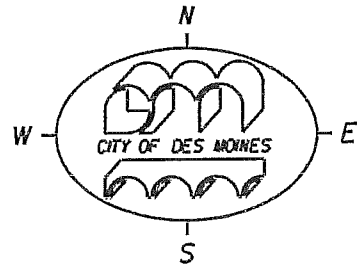
I, Diane Rauh, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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



**PROPERTY  
LOCATION**



**SOUTHWEST CONNECTOR ACQUISITION  
ACTIVITY I.D. 32-2005-017**