

Date December 6, 2010

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF REAL PROPERTY
LOCALLY KNOWN AS 903 SE 22ND STREET FROM OMG MIDWEST INC.
D/B/A DES MOINES ASPHALT & PAVING CO. FOR RELOCATION OF THE
PUBLIC WORKS SUPPLY YARD BY VOLUNTARY NEGOTIATION**

WHEREAS, City staff from various departments including the City Manager and Public Works Department have determined that it is necessary to acquire real property interests in connection with the relocation of the Public Works Supply Yard; and

WHEREAS, the real property locally known as 903 SE 22nd Street, Des Moines, owned by OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving Co., is proposed by City staff to be acquired for use as the relocation site for the purchase price of \$1,200,000.00 plus closing costs, which price reflects the fair market value of the property as determined by the City's Real Estate Division; and

WHEREAS, the City's Real Estate Division of the Engineering Department will negotiate voluntary acquisition of the necessary real property for this relocation on behalf of the City.

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

1. That the City Manager and the City Real Estate Division be and are hereby authorized to proceed with the necessary activities and negotiations to acquire by voluntary negotiation a fee simple interest in the real property locally known as 903 SE 22nd Street from OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving Co. for the purchase price of \$1,200,000.00 plus closing costs for relocation of the Public Works Supply Yard.
2. Following the due diligence period and subject to environmental review, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out this 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 these transactions in accordance with standard real estate practices and state law requirements.
3. 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.
4. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents associated with this acquisition the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, 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.

★ Roll Call Number

Agenda Item Number

41A

Date December 6, 2010

(Council Communication No. 10-737)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

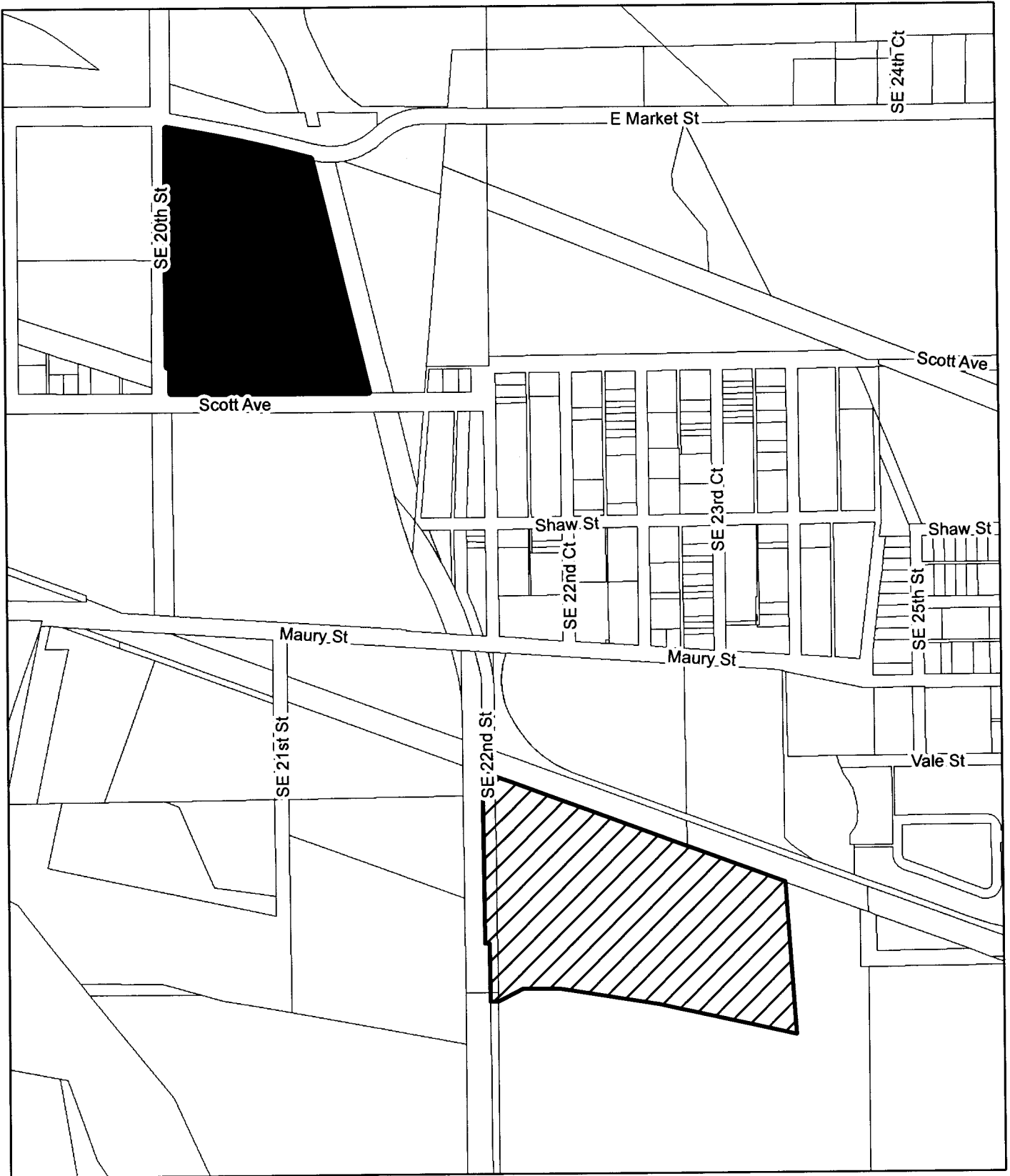
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

PROPERTY MAP EXHIBIT

41A



Legend

-  EXISTING LOCATION
-  PROPERTY TO BE ACQUIRED

