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**Date** April 18, 2022

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM NORFOLK SOUTHERN RAILWAY COMPANY FOR THE DES MOINES RIVER LEVEE ALTERATIONS – PHASE B PROJECT**

**WHEREAS**, on November 9, 2020, by Roll Call No. 20-1756, the City Council of the City of Des Moines, Iowa, approved Roll Call No. 20-1756, authorizing the City to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the Des Moines River Levee Alterations – Phases B and C Project; and

**WHEREAS**, Norfolk Southern Railway Company owns property in the vicinity of 200 SW 16<sup>th</sup> Street and South of Wabash St. (“Property”) and a fee simple interest is required by the City of Des Moines for the Des Moines River Levee Phase B Project; and

**WHEREAS**, the City initiated eminent domain proceedings to acquire the Property; and

**WHEREAS**, City staff has negotiated a purchase price for the acquisition of the Property; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the documents conveying a fee simple interest in the Property to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department and the Legal Department on file in the office of the City Clerk, be and are hereby approved and accepted for the acquisition of the property from Norfolk Southern Railway Company for the amount of \$750,000 (Plus Closing Costs) for the property identified below as follows:

Property Owner: Norfolk Southern Railway Company  
Property Location: Tax Parcel Nos. 020/00962-005-000 and 020/00962-003-000, adjoining 200 SW 16<sup>th</sup> St., Des Moines, Iowa 50309

That the Finance Director is authorized and directed to issue checks for the acquisition and to pay any costs certified by the Legal Department and the Engineering Department, and 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 payee(s).

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department’s review and approval as to form of all closing documents and related settlement and release prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Deed the approval and acceptance of this Council and all necessary real estate documents associated with this acquisition; 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**

16

**Date** April 18, 2022

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

I, P. Kay Cmelik, 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