

★ Roll Call Number

09-013

Agenda Item Number

11

Date January 5, 2009

**APPROVING PROPERTY ACQUISITION SETTLEMENT AGREEMENT
WITH BENJAMIN A. ZENTI AND LOUIS A. ZENTI, PROPERTY OWNERS,
AND CEE-VER PRODUCTS INC., TENANT, FOR THE
SOUTHEAST CONNECTOR PROJECT – SW 2ND TO SE 6TH STREET PHASE**

WHEREAS, on April 25, 2005, by Roll Call 05-969, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct the Southeast Connector Project – SW 2nd to SE 6th Street Phase (“Project”); and

WHEREAS, on December 22, 2008, by Roll Call 08-2232, the City Council approved preliminary terms of agreement with Central Wire and Iron for acquisition of property at 401 SE 4th Street, which property is owned by Benjamin A. Zenti and Louis A. Zenti and is leased by Cee-Ver Products, Inc.; and

WHEREAS, the City Engineering Department and its Real Estate Division have negotiated a settlement with Benjamin A. Zenti and Louis A. Zenti, d/b/a Central Wire and Iron, property owners, and Cee-Ver Products Inc., tenant, by which if the conditions precedent set forth in the Revised Offer to Purchase Real Estate and Acceptance between the parties are met, then the City will pay consideration in the total amount of \$600,000.00 to said parties for full fee acquisition of 401-407 SE 4th Street as required for the Project, with City possession of the property to occur as allowed by Iowa Department of Transportation.

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

1. That the settlement calling for payment of the total amount of \$600,000.00 to Benjamin A. Zenti and Louis A. Zenti, Property Owners, and Cee-Ver Products Inc., Tenant, for acquisition of the full fee interest required for the Project is hereby approved, subject to fulfillment of the conditions precedent as set forth in the Revised Offer to Purchase Real Estate and Acceptance.
2. That upon fulfillment of the settlement conditions, the Mayor is authorized and directed to sign the Revised Offer to Purchase Real Estate and Acceptance and the City Clerk is authorized and directed to attest to the Mayor’s signature.
3. That the Finance Director is authorized and directed to issue checks and pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out these transactions and to deliver them to the payees.
4. 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.

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- 5. That the City Clerk is hereby authorized and directed to endorse upon the Warranty Deed, to be provided by the property owners at closing, approval and acceptance of this Council and is further authorized and directed to deliver said Easements to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

Moved by Vlassis to adopt.

(Council Communication No. 09-012)

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh

City Clerk

T. M. Franklin
 T. M. Franklin
 Mayor