



Roll Call Number

09-295

Agenda Item Number

35A

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Date February 23, 2009

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FOR PROPERTY LOCATED AT
5261 MCKINLEY AVENUE FROM GEORGE N. VAN PATTEN FOR THE AIRPORT
RUNWAY 13R/31L PROJECT**

WHEREAS, on September 3, 2003, by Resolution No. A03-226, the Airport Board of the City of Des Moines authorized the development of a voluntary acquisition program on a hardship basis for properties needed for the future construction of the initial project phase of the 13R/31L Runway Project; and

WHEREAS, on December 2, 2003, by Resolution No. A03-285, the Airport Board of the City of Des Moines approved and authorized the design of a public improvement project to construct Runway 13R/31L and authorized the City Manager to proceed with the acquisition of properties needed for the project; and

WHEREAS, on January 6, 2004, by Resolution No. A04-16, the Airport Board of the City of Des Moines approved the voluntary acquisition program on a hardship basis for the properties needed for the Runway 13R/31L Project; and

WHEREAS, on June 1, 2004, by Resolution No. A04-103, the Airport Board of the City of Des Moines approved an acquisition program to include properties on a voluntary basis for the properties needed for the Runway 13R/31L Project; and

WHEREAS, on March 1, 2005, by Resolution No. A05-42, the Airport Board of the City of Des Moines recommended to the City Council the authorization to proceed with the acquisition of the remaining properties by gift, sale, or eminent domain which are needed for the future Runway 13R/31L; and

WHEREAS, on March 7, 2005, by Roll Call No. 05-541, the City Council of the City of Des Moines approved the acquisition of properties by gift, sale, or eminent domain for the Airport Runway 13R/31L Project; and

WHEREAS, on July 6, 2005, by Resolution No. 05-153, the Airport Board of the City of Des Moines established fair market value of the property located at 5261 McKinley Avenue in the amount of \$325,000; and

WHEREAS, the Real Estate Division of the Engineering Department has negotiated an administrative settlement as listed below, and the consideration listed below represents a reasonable and appropriate price to be paid for the property interests to be acquired;



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached documents are hereby approved and accepted as follows:

Property Owner:	George N. Van Patten
Property Location:	5261 McKinley Avenue, Des Moines, IA 50321
Document Type:	Revised Offer to Purchase Real Estate and Acceptance
Document Type:	Warranty Deed
Consideration:	\$375,000 (Plus 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 and 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.

That the Mayor is authorized and directed to execute the Revised Offer and 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.

That the Real Estate Division Manager is hereby authorized and directed to execute Maintain Vacancy Agreements and Rental Agreements, if necessary.

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(Council Communication No. 09-111)

Moved by Hensley to adopt.

APPROVED AS TO FORM:


 David A. Ferree
 Assistant City Attorney

Activity ID: 27-2002-017
 2008-09 CIP, Airport Improvements,
 Page 28, Runway 13R/31L, Land
 Acquisitions, AIR117

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

Y. M. Franklin 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