

★ Roll Call Number  
09-723

Agenda Item Number  
16

Date May 4, 2009

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM MIDAMERICAN ENERGY COMPANY FOR THE PRINCIPAL RIVERWALK PROJECT**

**WHEREAS**, in the process of the City completing survey work for the Principal Riverwalk Project, it was discovered that the existing City flood wall encroaches onto the northeast corner of MidAmerican Energy Company's substation property located at East Grand Avenue and 2<sup>nd</sup> Avenue; and

**WHEREAS**, to resolve this property encroachment, MidAmerican Energy Company has agreed to grant the City of Des Moines a Permanent Easement for Flood Protection Levee and Floodwall; and

**WHEREAS**, in accordance with City Council policy, the City Manager established Fair Market Value for the permanent easement in the amount of \$200.

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

Property Owner:	MidAmerican Energy Company
Property Location:	MidAmerican's Substation – East Grand and 2 <sup>nd</sup> Avenues
Document Type:	Permanent Easement for Flood Protection Levee and Floodwall
Established Fair Market Value:	\$200
Consideration:	\$200 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the 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 the transaction 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 City Clerk is hereby authorized and directed to endorse upon the Real Estate document listed above the approval and acceptance of this Council and is further authorized and directed to deliver the aforementioned document to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

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(Council Communication No. 09- 279 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*rsn*

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

MOTION CARRIED 7 APPROVED  
T. 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.

Diane Rauh City Clerk