



**Roll Call Number**

09-840

**Agenda Item Number**

21

Page 1

**Date** May 18, 2009

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE WAVELAND TRAIL – PHASE 1 PROJECT**

**WHEREAS**, on March 24, 2008, by Roll Call No. 08-531, the City Council approved the Trail Alignment for the Waveland Trail – Phase 1 Project; and

**WHEREAS**, on December 22, 2008 by Roll Call No. 08-2196, City Council set the time and place for a hearing in accordance with the provisions of 6B.2D of the Iowa Code, at which hearing persons affected by the Waveland Trail – Phase 1 Project were given the opportunity to present their views regarding the proposed acquisition of private property for the Project by gift, negotiation or eminent domain; and

**WHEREAS**, on January 5, 2009, by Roll Call No. 09-028, the public hearing was further continued and set down for hearing on January 26, 2009, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, on January 26, 2009, by Roll Call No. 09-136 the public hearing was held and the City Council authorized acquisition of the necessary property interests for the Waveland Trail – Phase 1 Project; and

**WHEREAS**, the Iowa Department of Transportation (IDOT) owns 3.324 acres of excess right-of-way located west of 56<sup>th</sup> Street, between Pleasant Drive and Interstate-235, which is needed for the Waveland Trail – Phase 1 Project; and

**WHEREAS**, IDOT has secured an independent appraisal for said property, which concluded a market value of \$94,000 and has presented the City of Des Moines with an Offer to Buy for \$94,000; and

**WHEREAS**, the City of Des Moines Real Estate Department considers the sales price of \$94,000 to be a reasonable and appropriate value of the property.

**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:	Iowa Department of Transportation
Property Location:	West of 56 <sup>th</sup> Street, between Pleasant Drive and I-235
Document Type:	Offer to Buy
Consideration:	\$94,000 (Plus Closing Costs)

That the Mayor Pro Tem is authorized and directed to sign the Offer to Buy for the conveyance identified above, and the Chief Deputy City Clerk is authorized and directed to attest to the Mayor Pro Tem's signature.

★ Roll Call Number

09-840

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21

Page 2

Date May 18, 2009

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 City Clerk is hereby authorized and directed to endorse upon closing documents 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.

(Council Communication No. 09- 337 )

Moved by Kierner to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6	0	0	0

MOTION CARRIES APPROVED

T. M. Franklin Council

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