

★ Roll Call Number

10-1364

Agenda Item Number

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Date August 23, 2010

**RESOLUTION AUTHORIZING VOLUNTARY ACQUISITION OF PROPERTY  
LOCATED AT 1220 CRESTON AVENUE FROM ANTHONY AND LOU ANN LEMMO  
FOR THE CRESTON AVENUE STORM WATER IMPROVEMENTS PROJECT**

**WHEREAS**, City staff recommends voluntary acquisition of the property located at 1220 Creston Avenue for a storm water improvement project; and

**WHEREAS**, the above property has been appraised by an independent appraisal firm and based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Anthony A. and LouAnn L. Lemmo
Property Location:	1220 Creston Avenue, Des Moines, IA 50315-1809
Property Interest(s) to Be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$130,000

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

That the valuation listed and identified above as "Suggested Fair Market Value" is hereby established as the fair market value of the property listed herein.

That the Real Estate Division of the Engineering Department is authorized and directed to acquire the property through gift or negotiation based upon the approved fair market value.

If the property owners agree to convey the Property to the City in accordance with the general terms of the Offer to Purchase Real Estate and Acceptance ("Offer") on file in the City Clerk's Office and in an amount based on the established fair market value, including an approved administrative settlement, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions 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 these transactions in accordance with the terms of the approved Offer and standard real estate practices and state law requirements.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all revisions to the Offer, the real estate documents and the closing documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Offer and real estate documents approved by the Legal Department the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary documents related to this purchase, and the

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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 the terms of the approved Offer and standard real estate practices.

That the Real Estate Division Manager is hereby authorized and directed to execute such agreements approved by the Legal Department necessary to enable closing.

(Council Communication No. 10-533)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (YEAS: 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.

T. M. Franklin Course Mayor

Diane Rauh City Clerk