

★ Roll Call Number

10-1989

Agenda Item Number

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Date December 6, 2010

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM 1405 S.E. 1ST CO.
FOR THE LIVINGSTON AVENUE STORM SEWER PROJECT**

WHEREAS, on November 9, 2009, by Roll Call Nos. 09-2061 and 09-2062, the City Council of the City of Des Moines held a public hearing and approved plans, specifications, form of contract documents, and engineer's estimate for the Livingston Avenue Storm Sewer Televising Project, and approved the contract with Priority Excavating LLC for said Project; and

WHEREAS, the City's Engineering Department determined that it is necessary to acquire property interests in connection with the Livingston Avenue Storm Sewer Project and the City's Real Estate Division of the Engineering Department has acquired the necessary right-of-way for this Project by voluntary negotiation; and

WHEREAS, the City Real Estate Division has negotiated voluntary acquisition of a permanent easement for storm sewer for this Project from property owner 1405 S.E. 1st Co., as listed below, which represents the Fair Market Value established by the City Manager in accordance with City Council policy, which property interest must be accepted by the City.

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

1. That the afore-described real property and the attached documents are hereby approved and accepted as follows:

Property Owner:	1405 S.E. 1 st Co.
Property Location:	1405 SE 1 st Street
Document Type:	Offer to Purchase and Permanent Easement for Storm Sewer
Consideration:	\$5,000 plus closing costs

2. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out this transaction 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 transaction in accordance with standard real estate practices.
3. 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.
4. That the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager.

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- 5. The Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.

(Council Communication No. 10-722)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

RM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIES

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