

★ Roll Call Number

12-0972

Agenda Item Number

17

Date June 25, 2012

**RESOLUTION TO APPROVE AND ACCEPT REAL ESTATE DOCUMENTS FOR
PROPERTY LOCATED AT 1401 THOMAS BECK ROAD
FROM POMERANTZ REALTY COMPANY FOR THE
GRAY'S LAKE NEIGHBORHOOD CONNECTING TRAIL PROJECT**

WHEREAS, on February 14, 2011, by Roll Call No. 11-0252, the City Council of the City of Des Moines, Iowa, authorized the acquisition of all necessary property interests by gift, negotiation or condemnation for the Gray's Lake Neighborhood Connecting Trail Project (a/k/a Gray's Lake Trail Connection); and

WHEREAS, on April 9, 2012, by Roll Call No. 12-0520, the City Council established Fair Market Value for the real property described below; and

WHEREAS, Pomerantz Realty Company has agreed to donate the permanent easement necessary for the Project in exchange for naming and signage rights to the property included in the easement area to be called the "Peggy & Harry Pomerantz Family Pathway" for so long as said property is used for recreational trail purposes, and subject to indemnification from the City relating to the easement area, as described in substantially the same form as the attached Permanent Easement; and

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:	Pomerantz Realty Company
Property Location:	1401 Thomas Beck Road
Document Type:	Offer to Purchase Real Estate and Acceptance
Document Type:	Permanent Easement
Established Fair Market Value:	\$ 22,400
Consideration:	\$ 1 (Donation), plus naming and signage rights and indemnification

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; 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.

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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 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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