

★ Roll Call Number  
12-1914

Agenda Item Number

7-I

Date December 17, 2012

**APPROVING AND AUTHORIZING THE EXECUTION OF CONTRACT OF PURCHASE  
BETWEEN NORFOLK SOUTHERN RAILWAY COMPANY AND CITY OF DES MOINES  
FOR THE SOUTHEAST CONNECTOR PROJECT, \$756,879**

**WHEREAS**, on October 25, 2010, by Roll Call No. 10-1786, City Council authorized acquisition of the necessary right-of-way and easements for the SE Connector Project – SE 14<sup>th</sup> Street to SE 30<sup>th</sup> Street; and

**WHEREAS**, on August 27, 2012, by Roll Call No. 12-1328, City Council approved Department of Transportation Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant for the Southeast Connector Project between SE 14<sup>th</sup> Street and SE 30<sup>th</sup> Street, which included an interim milestone of December 2012 for the Norfolk Southern Railway Company (“NSR”) agreement; and

**WHEREAS**, the City’s Real Estate Division and NSR have negotiated the terms of a Contract of Purchase for the partial fee acquisitions, temporary construction easements, permanent easement for roadway overpass and total fee acquisition of property owned by NSR for the Southeast Connector Project, and execution of this Contract will satisfy the deadline established by the above referenced Term Sheet; and

**WHEREAS**, the City’s Real Estate Division suggests the amount listed below as fair market value for said property interests, based on independent appraisals and negotiated settlement with NSR.

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

1. The attached Contract of Purchase, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and is hereby approved and accepted, subject to final negotiation and approval by the City Engineering and Legal Departments, as follows:

Property Owner:	Norfolk Southern Railway Company
Document Type:	Contract of Purchase
Consideration:	\$756,879

2. Subject to final negotiation and approval by the City Engineering and Legal Departments as to form of Contract of Purchase, the Mayor is hereby authorized and directed to execute the Contract of Purchase, and the City Clerk is directed to attest to his signature.
3. Subject to final negotiation and approval by the City Engineering and Legal Departments as to form of deed and easement documents associated with the Contract of Purchase, the City Clerk is hereby authorized and directed to endorse such documents 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, who shall proceed to closing in accordance with standard real estate practices.

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4. 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 obtain the checks, if any, needed to carry out these transactions and to deliver them to the payee.

(Council Communication No. 12-634)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

*DEB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				
<u>T. M. Franklin</u> 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