

★ Roll Call Number

13-0778

Agenda Item Number

15

Date May 20, 2013

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF PERMANENT EASEMENT FOR
SANITARY SEWER PURPOSES ON PROPERTY LOCATED NORTHWEST OF
2080 KING AVENUE BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, a City-owned sanitary sewer pipe, which is part of the City's sanitary sewer infrastructure, is located on real property identified as Polk County District/Parcel No. 010/06139-000-000, lying northwest of 2080 King Avenue, and owned by Eugene J. Schmitt; and

WHEREAS, the City does not currently have an easement for constructing, reconstructing, repairing, enlarging or maintaining said sanitary sewer improvement, and City Public Works Department staff have determined that it is necessary to acquire a permanent easement interest for the improvement; and

WHEREAS, the City's Real Estate Division of the Engineering Department will acquire the necessary permanent easement for this sanitary sewer; and

WHEREAS, the proposed Fair Market Value of the property interest to be acquired will be submitted to the City Council or the City Manager, as applicable, for approval prior to acquisition.

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

1. That the Real Estate Division of the Engineering Department be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary permanent easement for sanitary sewer purposes described herein, subject to approval by this Council, or approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, Iowa, as appropriate.
2. That the property interest will be acquired in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised, and that relocation assistance is hereby authorized.
3. That the Fair Market Value of the acquired property interest will be approved in accordance with established City policy, and if the property owner agrees to convey the property interest to the City in an amount based on the established fair market value, including an approved administrative settlement, or if a condemnation award is based on the established fair market value or falls within an approved settlement amount, 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 this transaction in accordance with standard real estate practices and state law requirements.

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4. 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.
5. That the City Clerk is hereby authorized and directed to endorse the approval and acceptance of this Council upon the real estate documents associated with the acquisition; the Mayor is authorized and directed to sign all necessary real estate documents associated with acquisitions for this Project; 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 and recording in accordance with standard real estate practices.

(Council Communication No. 13- 246)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

PSW

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

T. M. Franklin Mayor
 City Council

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