

★ Roll Call Number

15-2109

Agenda Item Number

11

Date December 21, 2015

**ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM THE BOARD OF WATER  
WORKS TRUSTEES OF THE CITY OF DES MOINES, IOWA FOR THE  
DOWNTOWN BICYCLE PLAN – PHASE 2 PROJECT**

**WHEREAS**, The Board of Water Works Trustees of the City of Des Moines, Iowa, owns vacant land on the north and south sides of West Martin Luther King, Jr. Parkway, east of Fleur Drive, and has agreed to grant a Permanent Easement for Recreational Trail and a Temporary Easement for Construction and Construction-Related Activities across said property to the City of Des Moines, Iowa (“City”), which easements are needed for the Downtown Bicycle Plan – Phase 2 Project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the attached documents conveying said easement interests to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and are hereby approved and accepted as follows:

Property Owner:	Board of Water Works Trustees of the City of Des Moines, Iowa
Property Location:	District/Parcels 020/02804-008-000 and 020/02804-010-000
Document Type:	Permanent Easement for Recreational Trail and Temporary Easement for Construction and Construction-Related Activities
Consideration:	\$1.00 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks to pay any costs certified by the Legal Department and the Engineering Department, and the Real Estate Division Manager is authorized and directed to obtain the checks, if any, needed to carry out this transaction and to deliver them to the payee(s).

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.

That the City Clerk is hereby authorized and directed to endorse upon the Permanent Easement for Recreational Trail and Temporary Easement for Construction and Construction-Related Activities the approval and acceptance of this Council; the Mayor is authorized and directed to sign all necessary real estate documents associated with this acquisition; 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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Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
 Lisa A. Wieland, Assistant City Attorney

BW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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. ... Mayor

Diane Rauh City Clerk