



Roll Call Number

16-0555

Agenda Item Number

14

Date April 11, 2016

ACCEPTANCE OF REAL ESTATE DOCUMENTS AND SETTLEMENT AND RELEASE AGREEMENT FROM RAUL CAMARENA GARCIA AND FRANCISCA CAMARENA FOR PROPERTY LOCATED AT 731 EAST EMMA AVENUE

WHEREAS, Raul Camarena Garcia and Francisca Camarena, owners of property located at 731 East Emma Avenue, have submitted a claim to the City for damages to a section of their private driveway caused by the City's use of the driveway on 731 East Emma Avenue while repairing an existing nearby sanitary sewer, and

WHEREAS, Raul Camarena Garcia and Francisca Camarena have agreed to a settlement in the amount of \$20,750, which shall be used to replace the damaged section of driveway, and have additionally agreed to convey a Permanent Easement for Ingress and Egress to the City across said driveway for \$2,050. In exchange, the property owners will waive all claims against the City for damages to the driveway.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached documents conveying said property 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:	Raul Camarena Garcia and Francisca Camarena
Property Location:	731 East Emma Avenue, Des Moines, IA 50315
Document Type:	Offer to Purchase Easement in Real Estate and Acceptance Permanent Easement for Ingress and Egress Settlement, Release, Indemnity and Covenant Not to Sue
Consideration:	\$22,800 (Plus Closing Costs)

That the Finance Director is authorized and directed to issue checks under Fund Codes 529410 PW247462 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 Offer to Purchase and the Permanent Easement for Ingress and Egress 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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(Council Communication No. 16-186)

Moved by Coleman to adopt.

APPROVED AS TO FORM:

[Signature] Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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.

[Signature] Diane Rauh City Clerk

[Signature] Mayor