

★ Roll Call Number
19-0460

Agenda Item Number
13 ✓

Date March 25, 2019

ACCEPTANCE OF REAL ESTATE DOCUMENTS FROM WAKONDA CLUB FOR VOLUNTARY ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3915 FLEUR DRIVE FOR THE FLEUR DRIVE RECONSTRUCTION – GEORGE FLAGG PARKWAY TO WATROUS AVENUE PROJECT

WHEREAS, Wakonda Club owns property located at 3915 Fleur Drive, and has offered to sell certain property interests therein (“Property”) for right-of-way needed for the Fleur Drive Reconstruction – George Flagg Parkway to Watrous Avenue Project (“Project”) to the City of Des Moines; and

WHEREAS, City of Des Moines (“City”) staff has negotiated a voluntary purchase price of \$258,000.00 with Wakonda Club for acquisition of the necessary right-of-way along Fleur Drive for construction of roadway improvements and a public sidewalk, which price is equal to the estimated fair market value of the Property and damages caused by the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the following documents conveying property interests to the City, recommended for approval and acceptance by the Real Estate Division of the Engineering Department and on file in the office of the City Clerk, be and are hereby approved and accepted as follows:

Property Owner: Wakonda Club
Property Location: 3915 Fleur Drive, Des Moines, IA 50321
Document Type: Voluntary Offer to Purchase Real Estate and Acceptance;
Warranty Deed; Temporary Easement for Construction and
Construction-Related Activities
Consideration: \$258,000.00 (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 Warranty Deed and Temporary Easement for Construction and Construction-Related Activities the approval and acceptance of this Council; the Mayor is authorized and directed to sign the Offer to Purchase Real Estate and Acceptance and 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. 19- 118)

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

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

MOTION FAILED

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| COLEMAN | | ✓ | | |
| GATTO | | ✓ | | |
| GRAY | | ✓ | | |
| MANDELBAUM | ✓ | | | |
| WESTERGAARD | | ✓ | | |
| TOTAL | 3 | 4 | | |

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.

M. Frank Cownie
 Mayor

Diane Rauh
 City Clerk