



Roll Call Number

19-0791

Agenda Item Number

19

Date May 20, 2019

RESOLUTION TO AUTHORIZE DEPOSIT OF CONDEMNATION AWARD FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3121 DEAN AVENUE FOR THE LEETOWN CREEKWAY CHANNEL IMPROVEMENT PROJECT

WHEREAS, on April 7, 2014 by Roll Call No. 14-0537, the City Council of the City of Des Moines, Iowa authorized the acquisition of all necessary property interests by gift, negotiation, or condemnation for the Leetown Creekway Channel Improvement Project; and

WHEREAS, on November 27, 2018, the City Manager established Fair Market Value on the following described property:

Titleholder:	3121 RF, LLC
Lessee:	K.R.U., Ltd. d/b/a Feed Energy Company
Property Location:	3121 Dean Avenue, Des Moines, IA 50317
Property Interests to be Acquired:	Permanent Easement for Storm Sewer and Surface Water Flowage; Temporary Easement for Construction and Construction-Related Activities
Fair Market Value:	\$7,500.00 (Plus Closing Costs)

WHEREAS, the City's Real Estate Division was unable to negotiate a settlement on the above described property; and

WHEREAS, condemnation proceedings were subsequently instituted for the aforementioned property interests; and

WHEREAS, the Polk County Condemnation Commissioners convened on April 29, 2019, in Des Moines, Iowa; and

WHEREAS, the Sheriff's Office of Polk County has submitted the Notice of Appraisalment of Damages and Time for Appeal; and

WHEREAS, pursuant to section 6B.25 of the Iowa Code, the award must be deposited with the Sheriff in order for the City to proceed to enter on to the property and take possession as is necessary for the project to proceed; and

WHEREAS, the City of Des Moines' Real Estate Division of the Engineering Department and the Legal Department recommend deposit of the Condemnation Commissioners' award payable to property owner(s) and all other payees and that other fees and condemnation expenses be deposited with the Sheriff in order to proceed with the project; and



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WHEREAS, the City of Des Moines has a reasonable expectation that it will achieve a public purpose, comply with all applicable standards, and obtain all necessary permits in conjunction with this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Council hereby authorizes the deposit of the condemnation award of \$257,500.00 payable to property owner(s) and all other payees for a Permanent Easement for Storm Sewer and Surface Water Flowage and a Temporary Easement for Construction and Construction-Related Activities on the aforementioned property plus condemnation fees in the amount of \$1,882.97, as certified by the Sheriff of Polk County.

That the Finance Director is authorized and directed to draw checks in the amounts set forth above for the deposit of the condemnation award and fees, as certified by the Sheriff of Polk County, Iowa, 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 needed to carry out this transaction and to deliver them to the Sheriff of Polk County and the Real Estate Division Manager is also charged with securing the proper receipts therefor.

Moved by Gatto to refer to the City Manager and City Attorney to continue conversations regarding acquisition of the property interests and timing of the project.

APPROVED AS TO FORM:

Kathleen Vanderpool
Deputy City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

J. M. Frankin Cownie Mayor

Diane Rauh City Clerk