

★ Roll Call Number

19-0872

Agenda Item Number

14

Date June 3, 2019

**RESOLUTION TO AUTHORIZE VOLUNTARY ACQUISITION AND TO APPROVE AND ACCEPT REAL ESTATE DOCUMENTS FOR PORTIONS OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SE 30<sup>TH</sup> STREET AND SCOTT AVENUE FROM MYER, LLC FOR THE SE 30<sup>TH</sup> STREET AND SCOTT AVENUE DETENTION BASIN PROJECT AND THE SE 30<sup>TH</sup> STREET WIDENING – RR VIADUCT TO SE CONNECTOR PROJECT**

**WHEREAS**, Myer, LLC owns property located at the southwest corner of SE 30<sup>th</sup> Street and Scott Avenue (“Property”) and has offered to sell portions of said Property needed for the SE 30<sup>th</sup> Street and Scott Avenue Detention Basin Project and the SE 30<sup>th</sup> Street Widening – RR Viaduct to SE Connector Project (“Project”) to the City of Des Moines (“City”); and

**WHEREAS**, City staff has negotiated a voluntary purchase price of \$55,000.00 for a partial fee acquisition for detention basin with reservation of easements for ingress-egress access and for building setback requirements, and a partial fee acquisition for street right-of-way, which price is equal to the estimated fair market value of said property interests as determined by the City’s Real Estate Division.

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

1. That the valuation listed and identified below as “Suggested Fair Market Value” is hereby established as the fair market value of the property listed herein.
2. That the documents conveying real property to the City of Des Moines, as on file in the office of the City Clerk and as recommended for approval and acceptance by City staff, be and are hereby approved and accepted as follows:

Property Owner: Myer, LLC  
Property Location: District/Parcel 050/01766-002-001, Des Moines, IA 50317  
Document Type: Voluntary Offer to Purchase Real Estate and Acceptance;  
Warranty Deed with Reservations of Easements for Ingress-Egress Access and for Building Setback Requirements; Warranty Deed  
Suggested Fair Market Value: \$55,000.00 (Plus Closing Costs)

3. That the Mayor is hereby authorized and directed to execute the Voluntary Offer to Purchase Real Estate and Acceptance; and, following approval as to form by the City’s Legal Department, the Mayor and/or City Clerk, as applicable, are hereby authorized and directed to endorse upon the Warranty Deed with Reservations of Easements for Ingress-Egress Access and for Building Setback Requirements and the Warranty Deed, and any and all other related documents the approval and acceptance of this Council; 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.

4. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department and

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the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transaction in accordance with standard real estate practices.

5. 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.

(Council Communication No. 19- 247 )

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Kathleen A. Vanderpool  
 Kathleen A. Vanderpool, Deputy City Attorney

*BZM*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

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