



Roll Call Number

19-2011

Agenda Item Number

26

Date December 16, 2019

APPROVING PAYMENT TO 3121 RF, LLC, AND K.R.U. LTD., d/b/a FEED ENERGY TO RESOLVE A CONDEMNATION DISPUTE

WHEREAS, the City has condemned a portion of the property located at 3121 Dean Avenue for the purpose of a permanent easement for Storm Sewer and Surface Water Flowage as part of the Leetown Creekway Channel Improvements Project; and

WHEREAS, a dispute has arisen over the proper valuation of the property between the Owners and the City; and

WHEREAS, a settlement agreement has been negotiated with the Owners of the property and their attorney; and

WHEREAS, it is the opinion of the Legal Department that payment would be in the best interest of the City of Des Moines.

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

That the Legal Department is authorized to enter into the settlement agreement negotiated in this matter, execute any documents necessary to effectuate the terms of the settlement agreement, and that payment of the settlement amount hereby is approved and the Finance Director is authorized and directed to draw a warrant accordingly.

MOVED BY Gatto TO ADOPT.

Form Approved:

John O. Haraldson Assistant City Attorney

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

CERTIFICATE

I, P. Kay Cmelik, 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. Franklin Cowie Mayor

P. Kay Cmelik City Clerk