

Date June 5, 2006.....

AUTHORIZE PAYMENT OF CONDEMNATION AWARD FOR THE ACQUISITION OF PROPERTY LOCATED ALONG 140TH AVENUE IN WARREN COUNTY (TAX PARCEL #010/000-050-481) FOR THE SOUTHEAST RIDGE TRUNK SANITARY SEWER PROJECT

WHEREAS, on June 23, 2003 by Roll Call No. 03-1524, 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 Southeast Ridge Trunk Sanitary Sewer Project; and,

WHEREAS, in accordance with City Council policy, the City Manager established Fair Market Value for the following described property:

Titleholder:	Le Roy Rothfus, Richard Rothfus and Roland Rothfus
Property Interests to be Acquired:	Two Permanent Easements and Two Temporary Easements
Property Location:	Tax Parcel # 010/000-050-481

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 Warren County Condemnation Commissioners convened on May 31, 2006 in Indianola, Iowa; and,

WHEREAS, the Sheriff has submitted his record of certification as to the fee award of said proceeding; 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 approval of the Condemnation Commissioners' award to property owner(s) and all other payees and that other fees and jury expenses be deposited with the Sheriff in order to proceed with the project.

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 payment of the award of \$3,500.00 for two permanent easements and

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two temporary easements to the aforementioned property plus Sheriff's fees and jury expenses as certified by the Sheriff of Warren County.

That the Finance Director is authorized and directed to draw checks in the amounts set forth above for the payment of the condemnation award and Commissioners and Sheriff's fees as certified by the Sheriff of Warren County, Iowa, to the City of Des Moines, 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 Warren County and the Real Estate Division Manager is also charged with securing the proper receipts therefor.

COUNCIL COMMUNICATION NO. (06-319)

Moved by _____ to adopt.

Activity ID: 32-2004-004
2006-07 CIP, Sanitary Sewer Improvements, Southeast Ridge Trunk Sanitary Sewer, SAE120, Page 16.

APPROVED AS TO FORM:

Emily Gould Chafa
Emily Gould Chafa
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

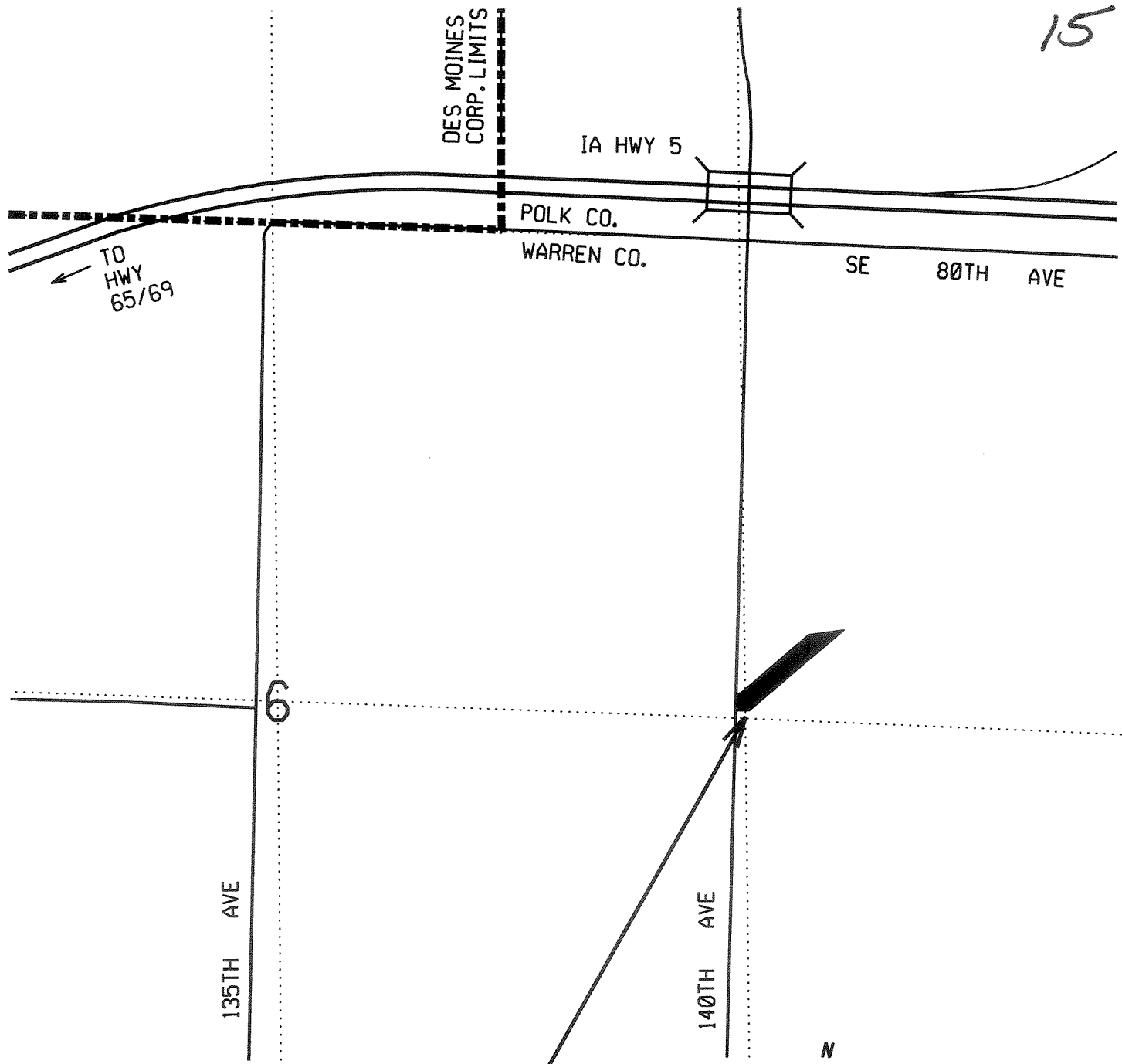
Mayor

CERTIFICATE

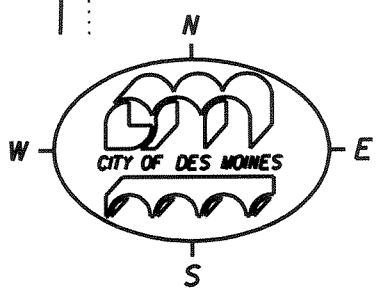
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



EASEMENT
LOCATIONS



SE RIDGE TRUNK
 SANITARY SEWER
 PERMANENT & TEMPORARY EASEMENTS
 ACTIVITY I.D. 32-2004-004