

Date August 7, 2006.

**AUTHORIZE PAYMENT OF CONDEMNATION AWARD FOR THE ACQUISITION OF  
PROPERTY LOCATED AT 3000 TWANA DRIVE FOR THE TWANA/ BEL-AIRE RELIEF  
STORM SEWER PROJECT**

WHEREAS, on January 23, 2006, by Roll Call No. 06-122, the City Council of the City of Des Moines, Iowa Approved Professional Services Agreement with Snyder & Associates, Inc. for the following: (B) Design and construction administration services in conjunction with Twana/Bel-Aire Relief Storm Sewer Project, not to exceed \$124,300; and,

WHEREAS, on May 20, 2006, by Roll Call No. 06-514, the City Council Authorized acquisition of the necessary right-of-way and easements for the Twana/Bel-Aire Relief Storm Sewer Project by gift, negotiation, or condemnation; and,

WHEREAS, on March 28, 2006, the City Manager established Fair Market Value on the following property:

Titleholder:	Dustin K. Boyer
Property Location:	3000 Twana Drive
Property Interests to be Acquired:	Permanent Easement for Storm Sewer Temporary Easement for Construction

WHEREAS, the City's Real Estate Division has been 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 August 2, 2006, in Des Moines, Iowa; and,

WHEREAS, the Sheriff has submitted his record of certification of costs and awards 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 owners and all other payees and that other fees and jury expenses be deposited with the Sheriff in order to proceed with the project.

Date August 7, 2006.

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 \$8,000.00 for a permanent easement for storm sewer and a temporary easement for construction for the aforementioned property plus Sheriff's fees and jury expenses 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 payment of the condemnation award and Commissioners and Sheriff's fees as certified by the Sheriff of Polk 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 Polk County and the Real Estate Division Manager is also charged with securing the proper receipts therefor.

(Council Communication No. 06-489)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa  
Emily Gould Chafa  
Assistant City Attorney

2005-06 CIP, Storm Water  
Improvements, Page 15, Twana/  
Bel-Aire Storm Sewer  
Improvements, STE079

*PSW*

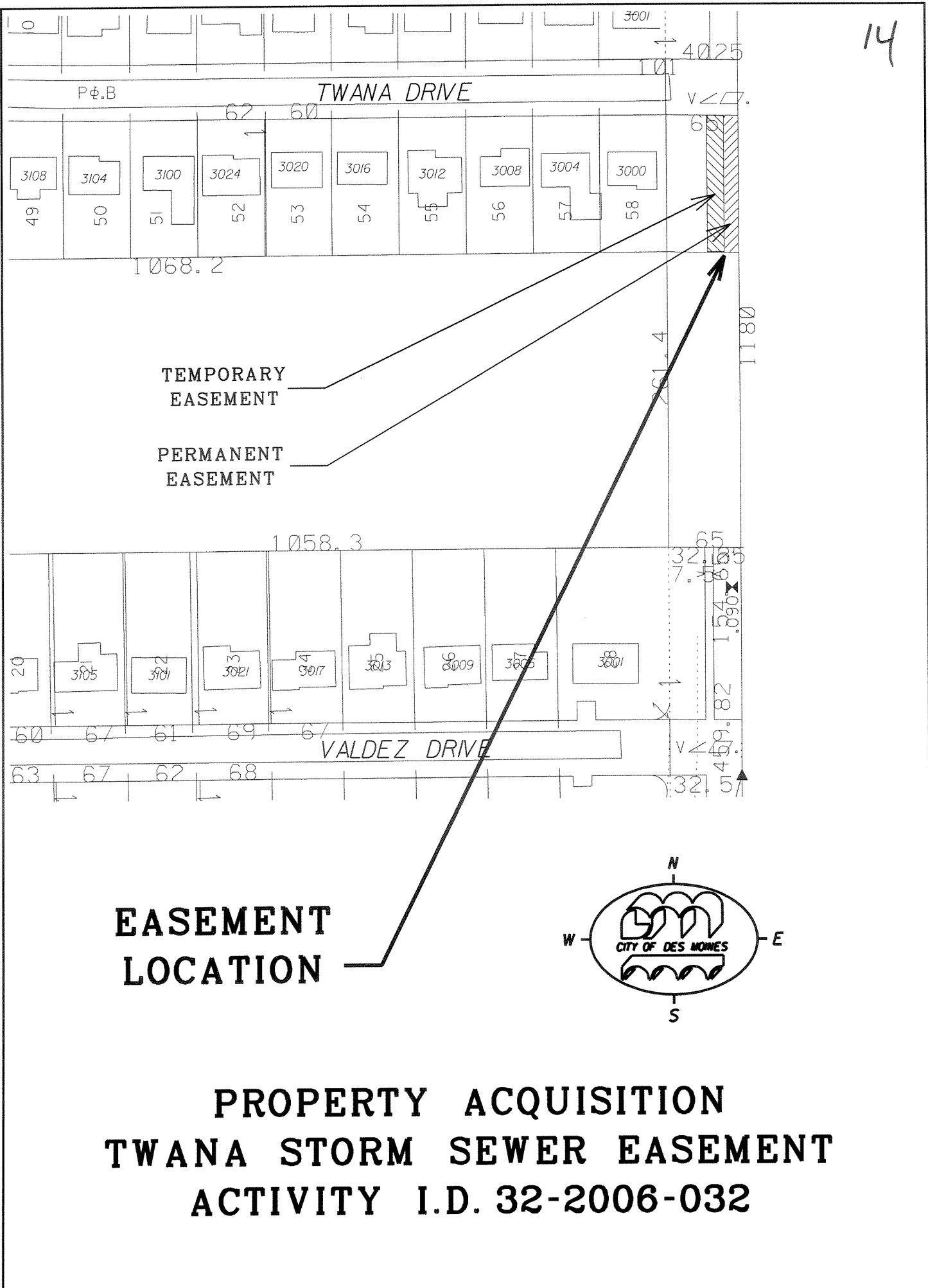
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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



**PROPERTY ACQUISITION  
 TWANA STORM SEWER EASEMENT  
 ACTIVITY I.D. 32-2006-032**

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

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IN THE MATTER OF THE CONDEMNATION )  
OF CERTAIN RIGHTS IN LAND FOR THE )  
TWANA BEL-AIRE RELIEF STORM SEWER )  
PROJECT (Boyer) ) NOTICE OF APPRAISEMENT OF  
 ) DAMAGES AND TIME FOR APPEAL  
by the )  
 )  
CITY OF DES MOINES, IOWA, )  
Applicant. )

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TO: **Titleholder:** Dustin K. Boyer, 3000 Twana Drive, Des Moines, IA 50310

**Lienholders, Encumbrancers and Leaseholders:**

**Mortgage:** Bank of the West, successor by merger to Commercial Federal Bank,  
Local Address: 801 Grand Avenue, Des Moines, IA 50309  
Headquarters: 180 Montgomery Street, San Francisco, CA 94104  
Recorded in Book 10826 Page 678-693, Polk County Recorder's Office

**Existing Utility Easement and Permit:**

MidAmerican Energy Company, successor by merger to  
Iowa Power and Light Company,  
666 Grand Avenue, P.O. Box 657, Des Moines, IA 50303  
Underground Electric Line Easement Filed in Book 5191 Page 868;  
and Permit Filed in Book 5191 Page 893

**Taxing Authority:** Polk County, Iowa  
Polk County Administration Building  
111 Court Avenue, Des Moines, IA 50309

RE:

**Permanent Storm Sewer and Overland Flowage Easement:**

THE EAST 15.00 FEET OF THE WEST 65.00 FEET OF THE SOUTH 123.00 FEET OF THE  
NORTH 609.00 FEET OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 21,  
TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., IN THE CITY OF DES MOINES,  
POLK COUNTY, IOWA, AND CONTAINING 1,845 S.F.

**Temporary Easement for Construction:**

THE EAST 15.00 FEET OF THE WEST 50.00 FEET OF THE SOUTH 123.00 FEET OF THE  
NORTH 609.00 FEET OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 21,  
TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., IN THE CITY OF DES MOINES,  
POLK COUNTY, IOWA, AND CONTAINING 1,845 S.F.

Property Address: 3000 Twana Drive, Des Moines, Iowa

TOTAL AWARD \$ 8,000.00

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 6B.18 of the Code of Iowa, any interested party may, within thirty days from the date of mailing the notice of the appraisal of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken.

Dated this 2nd day of August, 2006.

SHERIFF OF POLK COUNTY, IOWA

*Dennis W. Anderson*  
By: *Kelly Mickel*  
Deputy