

Date February 25, 2013

**RESOLUTION TO AUTHORIZE VOLUNTARY ACQUISITION OF
PROPERTY FOR ELM GROVE CEMETERY**

WHEREAS, as a result of a recent survey of Elm Grove Cemetery, it was determined that the City's cemetery usage is encroaching onto adjoining real properties owned by the Des Moines Independent School District and the Croatian Fraternal Slavic Center to the south and west of the Cemetery; and

WHEREAS, the City needs to acquire property interests from said adjoining owners for the currently encroaching cemetery usage; and

WHEREAS, staff of the City's Real Estate Division of the Engineering Department have met with representatives of the adjoining owners, who have agreed to convey the encroachment areas to the City on a voluntary basis.

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

1. That the voluntary acquisition of real property to the south and west of Elm Grove Cemetery, upon which the City's cemetery usage is currently encroaching, is hereby authorized and approved.
2. That the Fair Market Value of these parcels will be approved in accordance with established City policy, and if the property owners agree to convey the property to the City in an amount based on the established fair market value, including an approved administrative settlement, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department, and the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
3. 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.
4. That the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is hereby authorized and directed to endorse the approval and acceptance of this Council upon all necessary real estate documents associated with these acquisitions and is further authorized and directed to deliver the aforementioned documents to the Real

★ Roll Call Number

Agenda Item Number

14

Date February 25, 2013

Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

(Council Communication No. 13- 086)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

RM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

MOTION CARRIED APPROVED

Mayor

City Clerk