

Date November 5, 2018

RESOLUTION TO AUTHORIZE VOLUNTARY ACQUISITION AND TO APPROVE AND ACCEPT REAL ESTATE DOCUMENTS FOR PROPERTY LOCATED NORTH OF EAST WATROUS AVENUE AND WEST OF SOUTHEAST 30TH COURT FROM GEORGE D. AND MARGARET J. FISCHER FOR THE DES MOINES RIVER TRAIL – PHASE 2 PROJECT

WHEREAS, George D. and Margaret J. Fischer own agricultural property located north of East Watrous Avenue and west of Southeast 30th Court (“Property”) and have offered to grant the City of Des Moines a Permanent Easement for Recreational Trail and a Temporary Easement for Construction and Construction-Related Activities for the Des Moines River Trail – Phase 2 Project; and

WHEREAS, City staff has negotiated a purchase price of \$43,827.00 for the voluntary acquisition of said property interests, which is equal to the fair market value as determined by an independent appraisal obtained by the City; and

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:	George D. Fischer and Margaret J. Fischer
Property Location:	District/Parcel 010/06905-005-001, Des Moines, Iowa 50320
Document Type:	Offer to Purchase Easement in Real Estate and Acceptance; Permanent Easement for Recreational Trail; Temporary Easement for Construction and Construction-Related Activities
Suggested Fair Market Value:	\$43,827.00 (Plus Closing Costs)

3. That the Mayor is hereby authorized and directed to execute the Offer to Purchase Easement in 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 Permanent Easement for Recreational Trail and Temporary Easement for Construction and Construction-Related Activities, 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 the Engineering Department; the Real Estate Division Manager is authorized and directed to complete the transaction in accordance with standard real estate practices.

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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. 18-544)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RJW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

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