

★ Roll Call Number

13-1959

Agenda Item Number

11

Date December 23, 2013

**ACCEPTANCE OF PROPERTY DOCUMENTS FROM U.S. BANK NATIONAL ASSOCIATION AND BARBARA C. REESE FOR THE EUCLID AVENUE INTERSECTION IMPROVEMENTS PROJECT**

**WHEREAS**, on May 23, 2011, by Roll Call No. 11-0883, the City Council authorized acquisition of the necessary right-of-way and easements for the Euclid Avenue Intersection Improvements Project by gift, negotiation or condemnation; and

**WHEREAS**, Barbara C. Reese is the owner of property locally known as 115 Euclid Avenue, and U.S. Bank National Association is the tenant, and the City requires a warranty deed, permanent easement for public utilities, traffic signal and street lighting systems and roadway clear zone, and a temporary easement for construction and construction-related activities upon such property for construction of a portion of the Euclid Avenue Intersection Improvements Project; and

**WHEREAS**, City staff, Barbara C. Reese and U.S. Bank National Association have negotiated the terms of said documents including, among other terms, provisions by which the City agrees to indemnify and hold harmless Barbara C. Reese and U.S. Bank National Association from claims directly related to the entry rights set forth in the easement and the acts or omissions by the City, its agents, employees, contractors, or others entering the property with the City's invitation or consent, during construction of the afore-mentioned project; and

**WHEREAS**, said documents are now being presented to the City Council for acceptance due to the aforementioned terms.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the following document as on file with the City Real Estate Division Manager, recommended for approval and acceptance by the Real Estate Division of the Engineering Department, be and is hereby approved and accepted as follows:

Property Owner:	Barbara C. Reese
Tenant:	US Bank National Association
Property Location:	115 Euclid Avenue, Des Moines, IA 50313
Document Type:	Revised Offer to Purchase Real Estate and Acceptance (Partial Acquisition); Warranty Deed; Permanent Easement for Public Utilities, Traffic Signal and Street Lighting Systems and Roadway Clear Zone; Revised Temporary Easement for Construction and Construction-Related Activities

**BE IT FURTHER RESOLVED**, that the City Real Estate Division Manager is directed to retain the documents in City files or proceed to close in accordance with standard real estate practices, following review and approval as to form by the City Legal Department, and to record the documents with the Polk County Recorder's Office, as applicable.

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APPROVED AS TO FORM:

Moved by Mahaffey to adopt.

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

T. M. Franklin 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.

Diane Rauh

City Clerk