

★ **Roll Call Number**  
22-0680

**Agenda Item Number**  
17

**Date** ..... May 9, 2022 .....

**APPROVING PAYMENT TO NORFOLK SOUTHERN RAILWAY COMPANY FOR REAL ESTATE ACQUISITION SETTLEMENT**

**WHEREAS**, the City initiated eminent domain proceedings against Norfolk Southern Railway Company for the acquisition of certain real estate needed for the Des Moines Levee Alterations Project; and

**WHEREAS**, a settlement agreement and release has been negotiated with Norfolk Southern Railway Company; and

**WHEREAS**, it is the opinion of the Engineering Department and Legal Departments that payment would be in the best interest of the City of Des Moines.

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

That the Legal Department is hereby authorized to enter into the settlement agreement and release negotiated in this matter, execute any documents necessary to effectuate the terms of the settlement agreement and release.

Payment of the settlement amount is approved, and the Finance Director is authorized and directed to draw a warrant accordingly.

The Mayor is authorized and directed to sign the Settlement Agreement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

The City Clerk is authorized and directed to certify the City's acceptance on the Quit Claim and to forward the original of the Quit Claim Deed to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

Funding Source: 2022-23 CIP, Page 106 – Flood Mitigation Improvements, SM087

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MOVED BY Boesen TO ADOPT  
 SECOND BY Gatto

Form Approved:

/s/ Lisa A. Wieland  
 Lisa A. Wieland  
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

**CERTIFICATE**

I, P. Kay Cmelik, 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  
John Fubelt  
 MAYOR PRO TEM

P. Kay Cmelik City Clerk