# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE: February 23, 2015**

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement and Easements for the Fox Creek Sanitary Sewer Project

**FINANCIAL IMPACT:** $50,555.00 (previously budgeted)

**SYNOPSIS:** Purchase Agreements have been negotiated for the acquisition of easements necessary for the Fox Creek Sanitary Sewer Project. The easements have been acquired at the appraised fair market value from the owners shown on Exhibit "A," with additional costs not reflected in the appraisal shown in bold. The attached resolution approves the Purchase Agreements and, for policy and title purposes, formally accepts the easements and authorizes the filing of all relevant documents. Costs associated with acquisition of the easements will be paid from Account No. 5061.80.820.6.7930.

**RECOMMENDATION:**

Adopt resolution approving and accepting the purchase agreements and easements to the City of West Des Moines for the Fox Creek Sanitary Sewer Project

**Lead Staff Member:** Greta Truman, Assistant City Attorney

**STAFF REVIEWS**

| | |
|---|---|
| Department Director | Richard J. Scieszinski, City Attorney |
| Appropriations/Finance | |
| Legal | |
| Agenda Acceptance | RTG |

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | |
| Dates(s) Published | |

**SUBCOMMITTEE REVIEW** (if applicable)

| | | | |
|---|---|---|---|
| Committee | | | |
| Date Reviewed | | | |
| Recommendation | Yes | No | Split |

**RESOLUTION NO._____**

**AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENTS AND PERMANENT AND TEMPORARY EASEMENTS FOR THE CONSTRUCTION OF THE FOX CREEK SANITARY SEWER, PROJECT NUMBER 0510-010-2012**

**WHEREAS,** on February 21, 2011, the City Council heretofore ordered preparation of plans, specifications, form of contract and estimate of cost for the public improvement project known the Fox Creek Sanitary Sewer Project, Project Number 0510-010-2012; and

**WHEREAS,** previously, on May 5, 2014, after public hearing, the City Council approved the acquisition of property, including agricultural property, for the Fox Creek Sanitary Sewer Project; and

**WHEREAS,** it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

**WHEREAS,** the City of West Des Moines has negotiated a purchase agreement for the acquisition of property and easements necessary for the Project; and

**WHEREAS,** documents conveying property interests for permanent public utility easements and associated improvements have been presented to the City for approval; and

**WHEREAS,** the name of the property owners and the fair market value of the property to be acquired is attached hereto as Exhibit "A" and made a part of this resolution; and

**WHEREAS,** it is in the best interest of the citizens of the City to approve and accept the above-described documents.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:**

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.

2. The City Clerk is directed to certify the Council's approval and acceptance.

3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreement to acquire the property.

4. The documents shall be filed with the county recorder as appropriate.

5. The Director of Finance is authorized to make payment to the property owners shown on the attached Exhibit "A" pursuant to the terms and conditions of the Purchase Agreement.

**PASSED AND ADOPTED** this 23rd day of February, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

**Exhibit "A"**

**FOX CREEK SANITARY SEWER PROJECT**
**PROJECT NUMBER 0510-010-2012**

| PARCEL # | PROPERTY OWNER | ACQUIRED PRICE-FMV | |
|---|---|---|---|
| 4 | Stephanie Warywoda and Eric Krahn | $555.00 | |
| 13 | Daniel and Heather Barth | $50,000.00 | ***includes additional $1,600 for permanent easement, $1,100 for temporary easement, $2,500 for landscaping, and $2,000 for administrative settlement** |
| | **TOTAL** | **$50,555.00** | |