# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE:** February 23, 2015

**ITEM:** Resolution - Approval and Acceptance of Purchase Agreement, Deed and Easement for the Frink Creek Sanitary Sewer Project

**FINANCIAL IMPACT:** $31,222.50 (previously budgeted)

**SYNOPSIS:** For policy and title purposes, formal acceptance by the City of easements is required. Easements have been acquired from a property owner for construction of the Frink Creek Sanitary Sewer (Project Number 0510-030-2010) in order to comply with the Comprehensive Plan. The attached Resolution authorizes the acceptance of the deed and easements, filing of all relevant documents and payment for the acquisition areas. Costs associated with the property acquisition will be paid from Account No. 5071.80.820.6.7930.

**RECOMMENDATION:**

Adopt resolution approving and accepting the purchase agreement, deed and easements to the City of West Des Moines for the Frink 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 AGREEMENT, DEED, AND PERMANENT AND TEMPORARY EASEMENTS FOR THE CONSTRUCTION OF THE FRINK CREEK SANITARY SEWER, PROJECT NUMBER #0510-030-2010**

**WHEREAS**, previously, on June 28, 2010, the City Council heretofore ordered preparation of plans, specifications, form of contract and estimate of cost for the public improvement project known the Frink Creek Sanitary Sewer Project, Project Number 0510-030-2010; and

**WHEREAS**, on July 23, 2012, the City Council established a public hearing date and authorized notice to property owners regarding acquisition of agricultural property for the 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 easements necessary for the Project; and

**WHEREAS**, the name of the property owner and the just compensation 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 documents shall be filed with the county recorder as appropriate.

4. The Director of Finance is authorized to make payment to the above-referenced property owners pursuant to the terms and conditions of the Easement Agreements.

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

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

**Exhibit "A"**

**FRINK CREEK SANITARY SEWER PROJECT**
**PROJECT NUMBER 0510-030-2010**

| PARCEL # | PROPERTY OWNER | ACQUIRED PRICE-FMV | |
|---|---|---|---|
| 8 | Barbara Heckman | $31,222.50 | ***includes $8,837.50 for plumbing (abandon existing septic)** |
| | **TOTAL** | **$31,222.50** | |