CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **March 9, 2014**

ITEM: Resolution - Approval of Purchase Agreement, Condemnation Award and Easements for the Fox Creek Sanitary Sewer Project

FINANCIAL IMPACT: $62,378.00 (previously budgeted)

BACKGROUND: Easements necessary for the Fox Creek Sanitary Sewer Project have been acquired through negotiated Purchase Agreements, at the appraised fair market value and a condemnation hearing, from the owners shown on Exhibit "A", with additional costs not reflected in the appraisals 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. Approval of the Condemnation Award will authorize deposit with the Dallas County Sheriff. Costs associated with acquisition of the easements will be paid from Account No. 5061.80.820.6.7930.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Adopt Resolution approving and accepting Purchase Agreements, Easements and Condemnation Award for the Fox Creek Sanitary Sewer Project

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
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 purchase agreements for the acquisition of property and easements necessary for the Project; and

WHEREAS, the City of West Des Moines has condemned property necessary for the construction of the improvements 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 amount of the condemnation award, the names of the property owners and the fair market value of the property to be acquired through purchase agreements are 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 Agreements and Condemnation Award 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 and is authorized to pay the Condemnation Award as shown on the attached Exhibit "A".

PASSED AND ADOPTED this 9th day of March, 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	
2	Barry B Paterson Revocable Trust and Linda J. Paterson Revocable Trust	$25,000.00	***Condemnation Award: includes $5,000 for attorneys fees**
21	David and Sarah Lacey (Consent/Appraisal: U.S. Bank)	$6,490.00	
28	Russell and Susan Sanders	$30,888.00	***includes additional $3,000 for landscaping and $2,288 for administrative settlement**
	TOTAL	**$62,378.00**	