# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**DATE:** **May 6, 2019**

**ITEM:** Motion - Approval of Payment of Crop Damage Claim

**FINANCIAL IMPACT:** $6,348.49 (previously budgeted)

**SYNOPSIS:** Property interests are being acquired for the Project Osmium Public Infrastructure (Veterans Parkway: SW 60th Street to SW Wild Rose Lane) and in doing so the City had to access certain agriculture property in November, 2017 (after crops were already planted and prior to harvest) associated with construction of the Project. As a result, part of the crops were damaged. Tenant farmer Mike Ellis of Ellis Land Management has submitted the attached claim for damages to his crop. Costs associated with payment of the claim will be paid from Account No. 500.000.000.5550.730, Project No. 0510 010 2017.

**OUTSTANDING ISSUES** (if any): None

**RECOMMENDATION:**

Approve Payment of Crop Damage Claim

**Lead Staff Member:** Brian J. Hemesath, P.E., Interim City Engineer

**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 | | | |
| Date Reviewed | | | |
| Recommendation | Yes | No | Split |

PROJECT NAME : Veteran's Parkway 0510-010-2017

| | | | |
|---|---|---|---|
| NAME: | Mike Ellis, Ellis Land Management | PHONE (C): | 515.778.0045 |
| MAILING ADDRESS: | 2865 80th Ave | EMAIL: | ellislandmgmt@yahoo.com |
| CITY, STATE, ZIP: | Norwalk, IA 50211 | | |

BRIEF DESCRIPTION OF DAMAGES:

Damages due to the 2018 construction of project 0510-010-2017

0510-010-2017, K Properties, NE SW, SE SW, NW SE, SW SE S2/T77N/R26W

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TOTAL AREA = | 13.66 | ACRES x | 55 | YIELD x | $8.45 | Crop: Beans PRICE/BUSHEL = | $6,348.49 |
| TOTAL AREA = | | ACRES x | | YIELD x | | Crop: PRICE/BUSHEL = | |
| TOTAL AREA = | | ACRES x | | YIELD x | | Crop: PRICE/BUSHEL = | |
| TOTAL AREA = | | ACRES x | | YIELD x | | Crop: PRICE/BUSHEL = | |

ADDITIONAL EXPENSES or NOTES:

TOTAL OF ADDITIONAL EXPENSES =

**GRAND TOTAL DAMAGE PAYMENT = $6,348.49**

I do hereby acknowledge that upon the reciept of the payment to me of the sum: ***$6,348.49*** by the City of West Des Moines and in consideration of said payment, I do hereby release and forever discharge the said City for all claims for damages apparent at the date hereof over and across the above-referenced properties.

I understand and agree that said payment is the sole consideration for this release and is in full settlement of all my claims and causes of action for damages apparent at the date hereof and that there are no agreements or promises not expressed herein. I further understand that I have five years to renegotiate construction and maintenance damages not apparent at the date hereof.

Signature: Ellislandmgmt

Mike Ellis, Ellis Land Management

Date: 4/28/19