**CITY OF WEST DES MOINES**
**CITY COUNCIL MEETING COMMUNICATION**

**DATE: October 17, 2022**

**ITEM:** Resolution - Approval and Acceptance of Condemnation Award for Construction of the 8th Street Reconstruction - I-235 to Clegg Improvements Project

**FINANCIAL IMPACT:** $1,095.00 (previously budgeted)

**SYNOPSIS:** The City of West Des Moines is acquiring property necessary for construction of the 8th Street Reconstruction Project. Due to the inability of the parties to reach a negotiated settlement, the City has condemned property necessary for the Project from the owner shown on **Exhibit "A"**, with additional comments and/or additional costs not reflected in the compensation estimates prepared by JCG Land Services, Inc. shown in bold, if any. On October 6, 2022, the Polk County Compensation Commission awarded $1,095 for property necessary for the Project. Approval of the Condemnation Award will authorize deposit with the Polk County Sheriff. Costs associated with acquisition of the property interests will be paid from Account No. 500.000.000.5550.730, Project No. 0510-038-2020 with the ultimate funding intended to come from General Obligation Bonds.

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

**RECOMMENDATION:**

Adopt a Resolution approving and accepting conveyance of property interests to the City of West Des Moines for Construction of the 8th Street Reconstruction - I-235 to Clegg Improvements Project.

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

**STAFF REVIEWS**

| | |
|---|---|
| Department Director/Legal | Richard J. Scieszinski, City Attorney |
| Engineering Services | Brian J. Hemesath, P.E., City Engineer |
| Appropriations/Finance | Tim Stiles, Finance Director |
| Agenda Acceptance | Ryan T. Jacobson, City Clerk |

**PUBLICATIONs** (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 CONVEYANCE OF PROPERTY INTERESTS FOR CONSTRUCTION OF THE 8TH STREET RECONSTRUCTION - I-235 TO CLEGG IMPROVEMENTS PROJECT, PROJECT NO. 0510-038-2020**

**WHEREAS**, on December 20, 2021, the City Council of the City of West Des Moines, Iowa established the fair market value and authorized the acquisition of property and easements, including any leasehold interests, necessary for construction of the 8th Street Reconstruction - I-235 to Clegg Improvements Project (Project No. 0510-038-2020); and

**WHEREAS**, ultimate funding is intended to come from General Obligation Bonds; 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 condemned property necessary for the construction of the improvements for the Project; and

**WHEREAS**, the property owner and the condemnation award are shown on the attached **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 condemnation award made for the acquisition of property necessary for the 8th Street Reconstruction - I-235 to Clegg Improvements Project, Project No. 0510-038-2020, is hereby approved.

2. The Mayor is authorized to sign and the City Clerk is directed to attest to the Mayor's signature on all documents necessary for the acquisition of property for the project.

3. The City's Legal Department is authorized to take all steps necessary and consistent with the condemnation award to acquire the property interests.

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

5. The City's Finance Director is authorized to pay the condemnation award as shown on the attached **Exhibit "A"**.

**PASSED AND ADOPTED** this **17th** day of **October, 2022.**

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

**8TH STREET RECONSTRUCTION - I-235 TO CLEGG ROAD**
**PROJECT NO. 0510-038-2020**

| EXHIBIT/ PARCEL | PROPERTY OWNER | ACQUIRED PRICE-FMV | SUMMARY |
|---|---|---|---|
| 10 | Schoenauer, Diane M<br>1300 8th Street<br>West Des Moines, Polk County, Iowa<br>320/01156-013-001 | $1,095.00 | ***condemnation award (same as appraised value)** |
| | **TOTAL** | $1,095.00 | |