

**COUNCIL ACTION FORM**

**SUBJECT:** EASEMENTS FOR 2008/09 WATER SYSTEM IMPROVEMENTS: EAST PRESSURE ZONE LOOP

**BACKGROUND:**

The 2008/09 Water System Improvements: East Pressure Zone Loop Project is for the connection of a water main from Billy Sunday Road to Crystal Street. This loop will provide redundancy to the Southdale area, thereby increasing the safety and operation of the water system. This need was identified in the 2005 Water System Distribution Study (See Figure 1).

Development of this project began several years ago when the City worked with a consultant on the design to find the best route for the water main. After the route was chosen, the consultant discussed the project with affected property owners. All of the property owners at that time were agreeable to the proposed route. The consultant then worked on easement agreements that were ultimately signed by three of the five affected properties. This included two residential properties on Crystal Street and the Iowa State Nursery. The agreements would total \$14,300 in compensation for these three properties, and funding for the easements is included in this program.

The remaining properties are the apartment complexes on Billy Sunday Road that are owned by the same out-of-state LLC. The consultant and City legal staff both tried to reach an agreement with this LLC, but have been unsuccessful due to their complicated ownership arrangement. At this time, staff believes it is prudent to confirm the agreements that have already been signed while continuing to work with the apartment complex owners to negotiate a voluntary agreement. If no progress can be made, staff will come back to Council at a later time to initiate condemnation of the easement across this apartment property.

**ALTERNATIVES:**

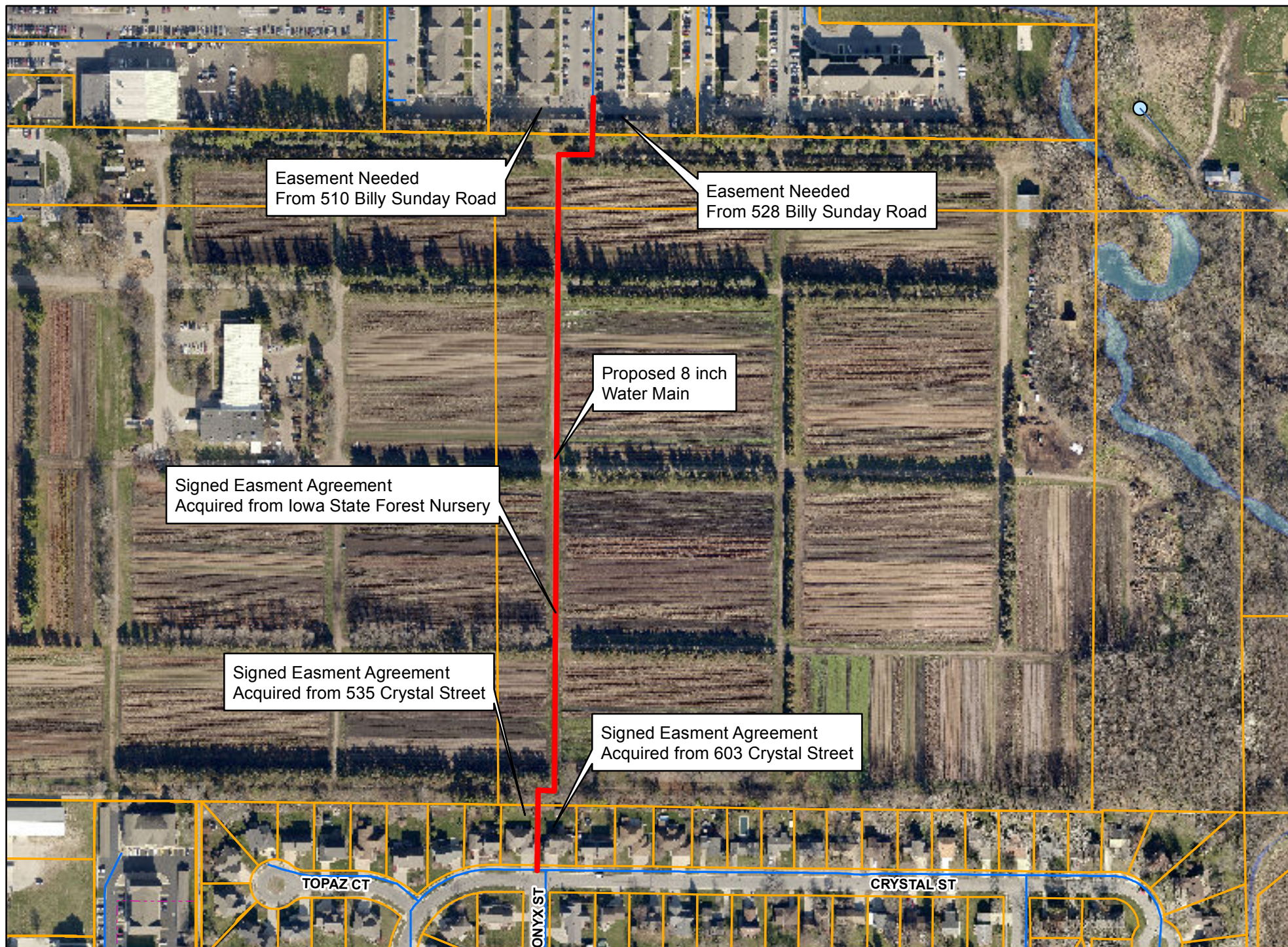
1. Approve the easement agreements with Teresa J. Yeary in the amount of \$2,500, Jerry J. Miller and Judy A. Miller in the amount of \$3,500, and the State of Iowa in the amount of \$8,300.
2. Reject the easement agreements at this time.

**MANAGER'S RECOMMENDED ACTION:**

By approving these three easements, this project can move closer to completion as staff continues to work with the owners of the apartment complex. Staff may ultimately need to return to Council with an option to condemn property for the easement. This would not be because of adversarial issues, but because it may be the most straightforward administrative process at that point. Once all four easements are acquired, work can begin in the summer or fall of 2014.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the easement agreements with Teresa J. Yeary in the amount of \$2,500, Jerry J. Miller and Judy A. Miller in the amount of \$3,500, and the State of Iowa in the amount of \$8,300.





East Pressure Zone Loop - Figure 1