



Council Communication

Office of the City Manager

Date April 20, 2009

Agenda Item No. 16
Roll Call No. 09-
Communication No. 09-243
Submitted by: **Jeb E. Brewer, P.E.**
City Engineer

AGENDA HEADING:

Resolution approving separate agreements with Iowa Department of Transportation (IDOT) and Hy-Vee, Inc., concerning the construction of a signalized intersection on Douglas Avenue at the entrance into the proposed Hy-Vee store west of Beaver Avenue, and granting authorization to proceed with acquisition of the necessary right-of-way by gift, negotiation, or condemnation.

SYNOPSIS:

Recommend approval of separate agreements with IDOT and Hy-Vee, Inc., concerning the construction of a signalized intersection and associated street widening and street improvements immediately west of the intersection of Douglas Avenue and Beaver Avenue, and granting authorization to proceed with acquisition of the necessary right-of-way for the project by gift, negotiation, or condemnation. These actions are required in order for the City to acquire the property interests under eminent domain.

FISCAL IMPACT:

Amount: To be determined by independent appraisal after design and right-of-way needs are determined, plus closing and legal costs, and relocation expenses, if necessary.

Funding Source: Hy-Vee, Inc. is responsible for all costs associated with right-of-way acquisition and construction of the traffic signalization, street widening and other associated street improvements.

ADDITIONAL INFORMATION:

Hy-Vee, Inc. is redeveloping a site for the construction of a proposed Hy-Vee grocery store between Douglas Avenue and Euclid Avenue west of Beaver Avenue. Due to the expected increased traffic volume, IDOT and the City are requiring traffic signalization, street widening and associated street improvements immediately west of the intersection of Douglas Avenue and Beaver Avenue. The agreement between Hy-Vee Inc. and the City ensures that the City will not incur any costs associated with right-of-way acquisition required by IDOT and the City for the street widening and traffic signalization project, which property will be acquired by the City as agent for and in the name of IDOT. Similarly, because Douglas Avenue is a State Highway, the agreement between IDOT and the City would grant IDOT's approval of the project and the City's ability to acquire the necessary property interests in the State's name. The proposed improvements will be at the sole cost of Hy-Vee, Inc., which consists of the construction of a signalized intersection west of Beaver Avenue with two through lanes and a left-turn lane for each direction on Douglas Avenue, and the associated widening of Douglas Avenue right-of-way, medians, sidewalks and utility relocation.

PREVIOUS COUNCIL ACTION(S):

Date: November 19, 2007

Roll Call Number: 07-2244

Action: (F) Council Discussion regarding traffic on 47th Street near the proposed Beaverdale Hy-Vee Development. Moved by Vlassis to refer to the City Manager to conduct a traffic study and consider “Safe Route to School” funding for a sidewalk on 47th Street. Motion Carried 7-0.

Date: November 19, 2007

Roll Call Number: 07-2243

Action: (E) Communication from Plan and Zoning Commission urging City Council to direct the City Manager and staff to work with Hy-Vee Food Stores, Inc., Harding Hills representatives and area neighborhood leaders to seek suitable tenants and/or redevelopment of the site at 3330 Martin Luther King Jr. Parkway. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: November 19, 2007

Roll Call Number: 07-2240

Action: (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan, “Beaverdale Hy-Vee” to allow redevelopment for a supermarket with off-street parking. Moved by Vlassis to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

Date: November 5, 2007

Roll Call Number: 07-2121

Action: On request from A & C Properties to rezone property located at 4444 Douglas Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan, “Beaverdale Hy-Vee”, to allow for redevelopment of property for a supermarket with off-street parking, (11-19-07). Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: November 1, 2007

Roll Call Number: Plan and Zoning Commission

Action: 10-1 in support of a motion to recommend APPROVAL of a request from A & C Properties (purchaser) represented by Kermit Anderson (officer) to rezone property located at 4444 Douglas

Avenue from "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development District and approve a PUD Conceptual Plan titled "Beaverdale Hy-Vee" to allow for redevelopment of the subject property for a 63,880 square foot supermarket with 349 spaces of off-street parking.

Date: November 1, 2007

Roll Call Number: Plan and Zoning Commission

Action: 11-0 in support of a motion to urge the City Council to direct the City Manager and Staff to work with Hy-Vee Food Stores, Inc., Harding Hills representatives and area neighborhood leaders, to seek suitable tenants and/or redevelopment of the Harding Hills Hy-Vee site at 3330 Martin Luther King Jr. Parkway in the Harding Hills Mall.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Establish Fair Market Value

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.