

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	July 13, 2009
	<b>Agenda Item No.</b> 73 <b>Roll Call No.</b> <del>09-</del> <b>Communication No.</b> <del>09-448</del> <b>Submitted by:</b> <b>Jeb E. Brewer, P.E.</b> <span style="padding-left: 100px;">City Engineer</span>	

**AGENDA HEADING:**

Approval of 28E agreement between the Des Moines Area Regional Transit Authority (DART) and the City of Des Moines for real estate services for the DART Transit Hub relocation.

**SYNOPSIS:**

Recommend Council approval of 28E agreement for real estate services. DART plans to relocate an administrative building and its transit hub, currently located on Walnut Street between 4<sup>th</sup> Street and 7<sup>th</sup> Street, to real property located in the vicinity of 6<sup>th</sup> Street between Cherry Street and Vine Street in downtown Des Moines. This action authorizes the City’s Real Estate Division to provide real estate acquisition services for DART’s project.

**FISCAL IMPACT:**

Amount: None

Funding Source: DART is responsible for payment of all costs associated with property acquisition, including reimbursement to the City for the Real Estate Division and Legal Department’s staff labor costs.

**ADDITIONAL INFORMATION:**

DART has entered into an agreement with the Federal Transit Authority (FTA) for funding of this project and has secured approximately sixty percent (60%) of the necessary land from Polk County. The remaining land required for the project consists of a City owned vacated alley and a parking lot owned by Wells Fargo Bank for employee parking.

DART has requested that the City act as agent for DART for property acquisition purposes associated with the project, with the City’s Real Estate Division of the Engineering Department providing acquisition and negotiation assistance on DART’s behalf.

DART and City staff have negotiated and the DART Board of Directors has approved an Iowa Code Chapter 28E Agreement, now on file in the office of the City Clerk, for this agency relationship whereby the City will aid DART with the acquisition process for the project, with all costs associated therewith including City staff time to be paid or compensated for by DART directly at no cost to the City; and whereby in the event that negotiations are not successful and DART’s use of eminent domain is required, then the City Manager or Mayor is authorized to sign an amendment addressing whether and to what extent the City will participate in the condemnation process as agent for DART.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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