

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	September 28, 2009
	Agenda Item No. 14 Roll Call No. <u>09-</u> Communication No. <u>09-689</u> Submitted by: <u>Jeb E. Brewer, P.E.,</u> City Engineer	

AGENDA HEADING:

Resolution establishing fair market value of 5853 S.E. 14th Street for the East Diehl Avenue Turn Lane at S.E. 14th Street Project.

SYNOPSIS:

Recommend Council approval of fair market value. This action establishes fair market value of property interests for the East Diehl Avenue Turn Lane at S.E. 14th Street Project. State law requires this action before the City can proceed with an offer to purchase the necessary properties under the threat of eminent domain. Antonia M. Mosqueda, 1420 East Grand Avenue, Des Moines, Iowa, 50316-3806, is the titleholder of the commercial property located at 5853 SE 14th Street. This property has been appraised at \$27,100 for a partial fee acquisition.

FISCAL IMPACT:

Amount: \$27,100 plus closing costs

Funding Source: 2009-2010 CIP, Page Traffic Control-5, City-wide Signals, Channelization, and School Crossing Protection Program, TFC091.

ADDITIONAL INFORMATION:

Hubbell Realty Company is developing property in the vicinity of 5525 S.E. 14th Street with apartments. Due to the expected increased traffic volume, the City is requiring traffic signalization, street widening, and associated street improvements on East Diehl Avenue, immediately east of the intersection of S.E. 14th Street. Hubbell Realty Company will widen the north side and the east leg of East Diehl Avenue, east of S.E. 14th Street to accommodate a dedicated left turn lane. Hubbell Realty Company will be solely responsible for the construction of this street improvement. The City will acquire the 15 feet of right-of-way along the north side of East Diehl Avenue required for completion of this project. During the previous site plan review, the location of the restaurant and parking was built away from street in anticipation of widening, therefore no relocation will be required.

On August 10, 2009, by Roll Call No. 09-1436, the City Council authorized acquisition of the necessary right-of-way and easements for this project. The property interests required for this project have now been appraised by an independent appraiser.

Antonia M. Mosqueda is the titleholder of the commercial property at 5853 S.E. 14th Street (Tasty Taco’s Restaurant). The property interests required for the project have been appraised at \$27,100 and include a

partial fee acquisition and temporary easement for construction. This acquisition will not require relocation assistance.

PREVIOUS COUNCIL ACTION(S):

Date: August 10, 2009

Roll Call Number: 09-1436

Action: Authorization to proceed with acquisition of the necessary right-of-way and easements for E. Diehl Avenue turn lane at SE 14th Street project. (Council Communication No. 09-562) Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 18, 2009

Roll Call Number: 09-886

Action: Final consideration of ordinance above. Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,854. Motion Carried 6-1. Nays: Meyer.

Date: May 18, 2009

Roll Call Number: 09-885

Action: On request from Hubbell Realty Company to rezone 5525 SE 14th Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing up to 216 multiple-family residential units, subject to Developer's agreement upon terms set forth in the Council Communication (6 Council votes are required to approve the rezoning). (Council Communication No. 09-349)
) Moved by Coleman that this ordinance be considered and given second vote for passage, subject to Developer's agreement upon terms set forth in Council Communication No. 09-349, and refer to the City Manager to ensure the conditions approved by Council related to the final passage of zoning amendments are implemented. These conditions include: 1) to refer the water issues along Diehl, and other infrastructure needs in the area to the City Manager for further review in conjunction with TIF review and other possible funding sources; 2) no site plan is to be approved for the property contrary to Council Communication Number 09-349 or the Hubbell letter submitted on this item; 3) the City Clerk, Legal, and Community Development Departments to immediately notify Council and put an item on the agenda for a Council-initiated rezoning of the property if a site plan is submitted contrary to the Council Communication or Hubbell letter; if a site plan is submitted by someone other than Hubbell, or if there is a change in ownership of the property; and 4) to direct that Council Member Meyer be kept in the loop on any communication on this project. Motion Carried 6-1. Nays: Meyer.

BOARD/COMMISSION ACTION(S):

Date: January 15, 2009

Roll Call Number: Plan and Zoning Commission

Action: Plan and Zoning Commission denied the rezoning application by voting 5 members in favor and 5 members opposed on a motion to approve the application. No further motion on this matter was brought forward.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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.