

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	October 12, 2009
	Agenda Item No. 16 Roll Call No. <u>09-</u> Communication No. <u>09-721</u> Submitted by: Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Resolution establishing revised fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project.

SYNOPSIS:

Recommend Council approval of revised fair market values. This action establishes revised fair market value of property interests for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project as the result of review appraisals completed by the Iowa Department of Transportation. State law requires this action before the City can proceed with an offer to purchase the necessary properties under the threat of eminent domain. This action also authorizes payments for relocation assistance in accordance with state and federal regulations.

FISCAL IMPACT:

Amount: \$224,974, plus closing costs and relocation assistance.

Funding Source: 2009-10 CIP, Street Improvements, Merle Hay Road and Urbandale Avenue Intersection Improvements, Page Street Improvements – 24, STR235, IDOT Funds and G.O. Bonds

ADDITIONAL INFORMATION:

This project provides for the widening of the north and south approaches on Merle Hay Road in order to provide left turn lanes. The current pavement width of 49 feet will be widened to 65 feet. A raised median will be installed on Merle Hay Road within the vicinity of the intersection. New traffic signals with back plates will also be installed, including north-south left turn phasing. A ten-foot clear zone will be established within the limits of the project.

On April 22, 2009, the City received authorization from the Iowa Department of Transportation (IDOT) to commence acquisition of all necessary property interests for this project. The properties listed below will require partial fee acquisitions and temporary easements in order to construct the project improvements. None of the properties listed below will be required to relocate as part of the project, but several business signs will need to be moved further back onto the affected properties to accommodate the construction of the project improvements. The required property interests to be acquired from each property below have been appraised by an independent appraiser, and the appraisals were reviewed by IDOT. The appraised values of the properties listed below were revised as part of the appraisal review process.

Frank A. and Melba L. Scaglione are the titleholders of the commercial properties at 3000 and 3030 Merle Hay Road (Git N Go convenience store and vacant office building). This acquisition will require relocation of two business signs and a parking lot light. The original appraisal approved by Council for the property interests required for this project concluded a value of \$40,455 for a partial fee acquisition, permanent street right-of-way easement, permanent easement for utilities and clear zone, landscaping replacement, and temporary easement for construction. As part of the appraisal review process by IDOT, the appraisal was revised upward for additional loss of landscaping in the amount of \$420 for a new appraised value of \$40,875.

D & D Interests, LLC is the titleholder of the commercial property at 3001 Merle Hay Road, which is developed with a neighborhood retail center and 36 apartments. This acquisition will require relocation of two business signs. The original appraisal approved by Council for the property interests required for this project concluded a value of \$91,499 for a partial fee acquisition, landscaping replacement and temporary easement for construction. As part of the appraisal review process by IDOT, the appraisal was revised upward for additional temporary easement area in the amount of \$1,150 for a new appraised value of \$92,649.

Richard B. Margulies is the titleholder of the commercial properties at 3101 and 3107 Merle Hay Road, which is developed with a neighborhood retail center and a house that has been converted for commercial uses. This acquisition will require relocation of three business signs. The original appraisal approved by Council for the property interests required for the project concluded a value of \$70,899 for a partial fee acquisition, landscaping replacement, and temporary easement for construction. As part of the appraisal review process by IDOT, the appraisal was revised downward due to mathematical miscalculations in the amount of \$15,900 for a new appraised value of \$54,999.

Brian E. Ellingson is the titleholder of the commercial property at 2911 Merle Hay Road, which is developed with a 1,100 square foot office space and 16 apartments. The original appraisal approved by Council for the property interests required for this project concluded a value of \$36,451 for a partial fee acquisition and temporary easement for construction. The commercial leasehold interest was valued at an additional \$3,000. As part of the appraisal review process by IDOT, the appraisal was revised downward due to a mathematical miscalculation in the amount of \$3,000 for a new appraised value of \$33,451, plus an additional \$3,000 for the leasehold interest.

PREVIOUS COUNCIL ACTION(S):

Date: August 24, 2009

Roll Call Number: 09-1538

Action: Establishing Fair Market Value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-604) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: July 13, 2009

Roll Call Number: 09-1209

Action: Establishing fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-453) Moved by Coleman to adopt; refer to the City Manager to provide Council Members with a summary and timeline for this project. Motion Carried 7-0.

Date: March 23, 2009

Roll Call Number: 09-454

Action: Authorization to acquire the necessary right-of-way and easements for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-169) Moved by Hensley to adopt. Motion Carried 5-2.

Date: March 23, 2009

Roll Call Number: 09-453

Action: Approving and authorizing execution of Iowa Department of Transportation Addendum to the Predesign Agreement for Merle Hay Road (Iowa 28) widening at Urbandale Avenue. (Council Communication No. 09-171) Moved by Hensley to adopt. Motion Carried 5-2.

BOARD/COMMISSION ACTION(S): NONE

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.