 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 12, 2016
	Agenda Item No.	26
	Roll Call No.	<u>16-1503</u>
	Communication No.	<u>16-514</u>
	Submitted by:	Jonathan A. Gano, P.E., Public Works Director; and Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Resolution to authorize voluntary acquisition and to approve and accept real estate documents from Lucio Rodriguez Arpista for property located at 3807 50th Street for the 2016 Sewer Repair – Contract I Project.

SYNOPSIS:

Recommend Council authorization for voluntary acquisition of property located at 3807 50th Street for the 2016 Sewer Repair – Contract I Project. This action is required to authorize the purchase of this property from Lucio Rodriguez Arpista, 3807 50th Street, Des Moines, Iowa, 50310. City staff is recommending the voluntary purchase of this property for required storm sewer repairs and to establish a revised permanent easement to allow the City the right to maintain, repair and replace such sewer in the future. This is a voluntary acquisition and relocation assistance is not applicable.

FISCAL IMPACT:

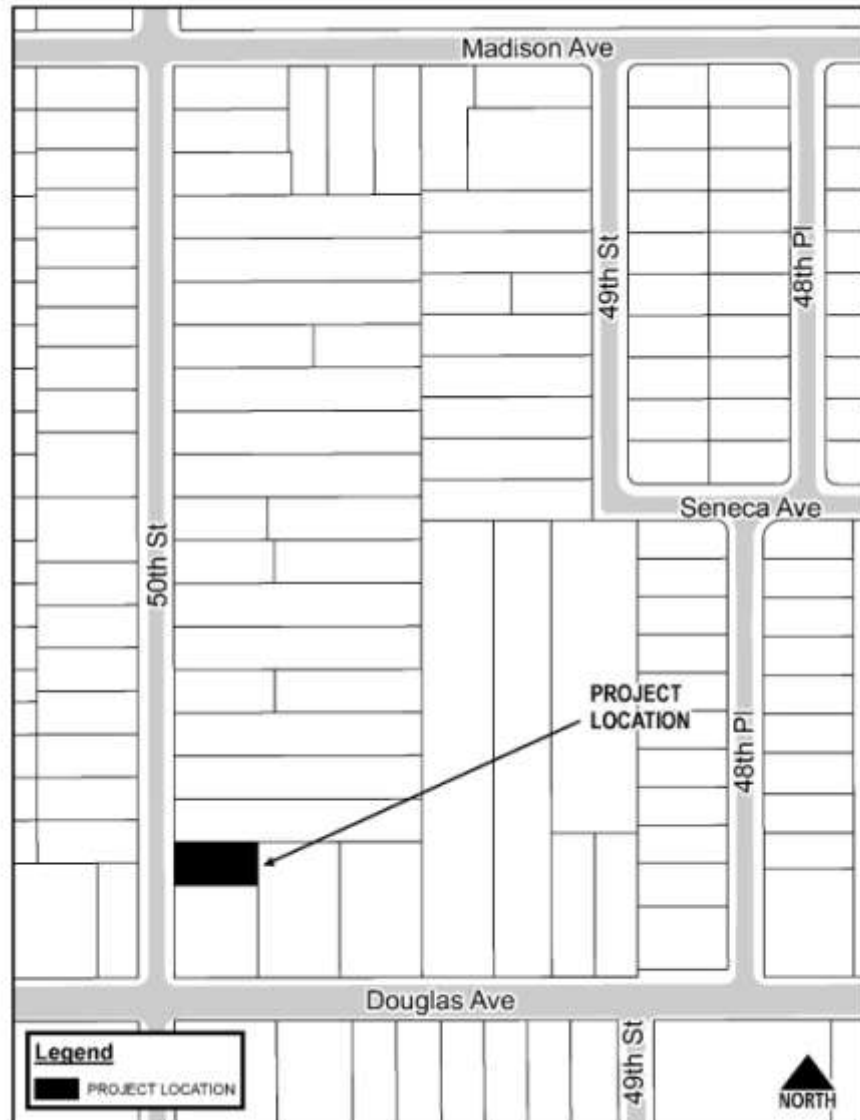
Amount: \$116,000 plus closing costs

Funding Source: 2016-17 CIP, Page Storm Water Improvements – 4, City-wide Storm Water Utility Projects, SM057

ADDITIONAL INFORMATION:

- A storm sewer repair is needed on the property at 3807 50th Street, and the location of the repair is situated under a garage. The house and garage were constructed in 1952 and the garage was permitted to be constructed over the sewer at that time. The City’s existing sewer easement does not prevent structures from being placed within the easement area, so the City is responsible for payment of severance damages to the property owner for the permanent loss of the garage.
- City staff recommends the voluntary purchase of the entire property for \$116,000, which is equal to the fair market value of the property as determined by an independent appraisal. Acquisition of the entire property will allow the project to proceed on a voluntary basis and will eliminate the need for the use of Eminent Domain to acquire the appropriate easement interests and garage.

- After the property is acquired and the sewer repair work is completed, the City will then be in a position to resell the property, subject to a new storm sewer easement that will prohibit any structures to be placed within the easement area. City staff expects to be able to resell the property at a price that will result in an overall lower cost to the project, compared to expected costs for separate compensation to the property owner for a new easement and the permanent loss of the garage.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 7, 2016

Roll Call Number: [16-0379](#)

Action: [Authorization](#) to proceed with acquisition of the necessary property interests for the 2016 Storm Sewer Repair Project. ([Council Communication No. 16-116](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

After the sewer repair work is completed and the existing garage is permanently removed from the property, the property will be listed for sale and City Council will be asked to approve the sale of the property. The Sale of the property will be subject to a new storm sewer easement that will prohibit the placement of any structures within the easement area.

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