

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY OWNED BY UNION PACIFIC RAILROAD COMPANY FOR THE DES MOINES AND RACCOON RIVERS – BIRDLAND LEVEE PROJECT

WHEREAS, on October 12, 2009, by Roll Call No. 09-1834, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct this project; and

WHEREAS, the following property has been appraised by an independent appraisal firm and the appraisals have been reviewed by the Army Corps of Engineers; and

WHEREAS, based upon the appraisals, the suggested fair market values of the property interests to be acquired are as follows:

Titleholder:	Union Pacific Railroad Company
Property Location:	McHenry Park and Riverview Nature Island Area
Property Interests to Be Acquired:	Partial Fee Acquisition
Suggested Fair Market Value:	\$17,550

Titleholder:	Union Pacific Railroad Company
Property Location:	McHenry Park and Riverview Nature Island Area
Property Interest to Be Acquired:	Partial Fee Acquisition (Remnant Parcels)
Suggested Fair Market Value	\$82,500

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That the valuations listed and identified above as “Suggested Fair Market Value” are hereby established as the fair market values of the property interests listed herein.

That the Real Estate Division of the Engineering Department is authorized and directed to acquire the property interests through gift, negotiation or condemnation based upon the approved fair market value.

That the property interests will be acquired in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised, and that relocation is hereby authorized, if applicable.

If the property owner agrees to convey the property interests to the City in an amount based on the established fair market values, including an approved administrative settlement, or if a condemnation award is based on the established fair market values or falls within an approved settlement amount, the Finance Director is authorized and directed to issue checks in the amounts

Date February 8, 2010

necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.

That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

That the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

That the Real Estate Division Manager is hereby authorized and directed to execute Maintain Vacancy Agreements and Rental Agreements, if necessary.

(Council Communication 10- 071)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

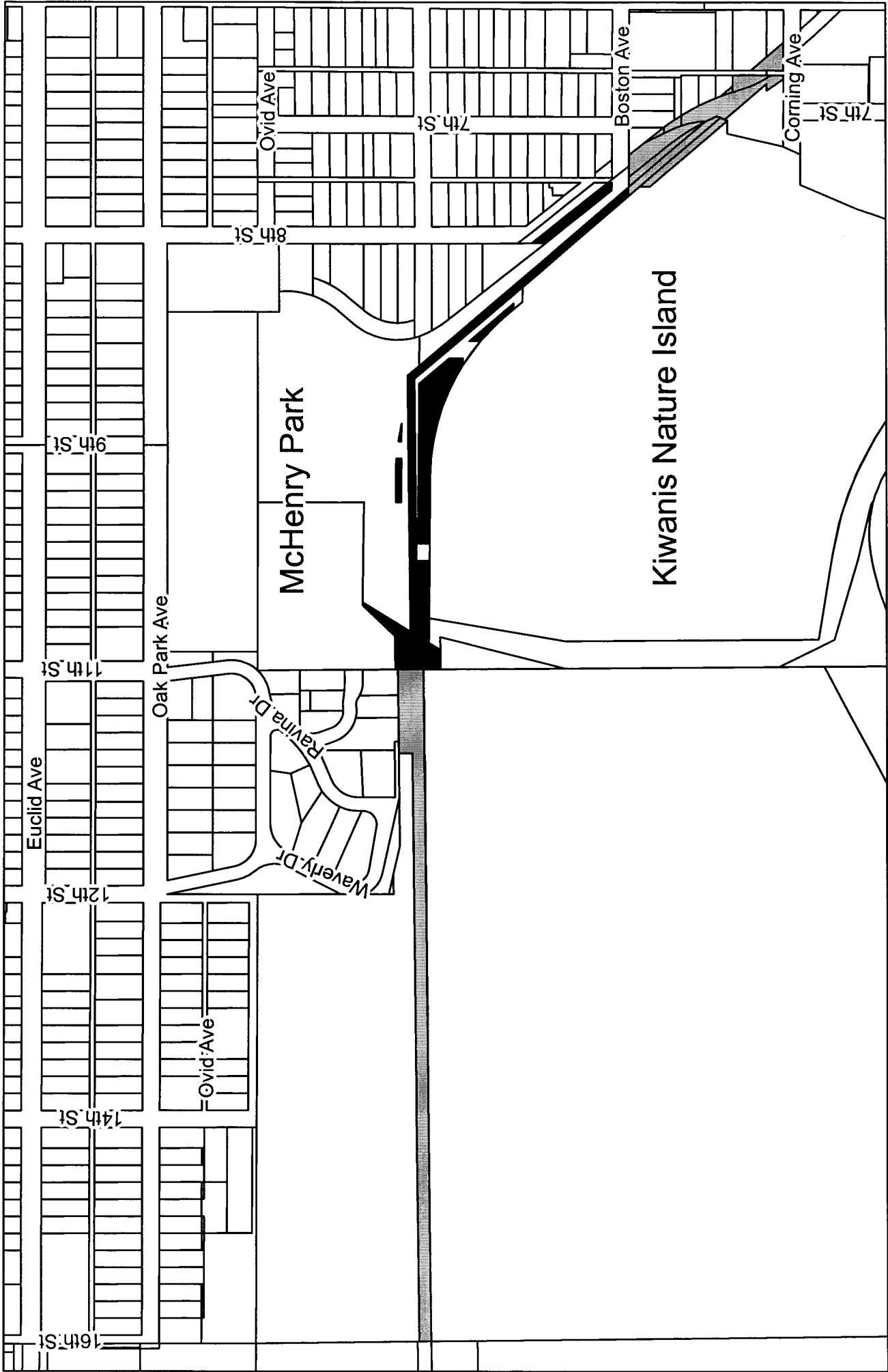
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



Legend

-  ACQUISITION PARCELS
-  REMNANT PARCELS

**AQUISITION - UNION PACIFIC RAILROAD CO.
DES MOINES/RACCOON RIVERS PROJECTS**

