

Date March 12, 2007

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY
RIGHT-OF-WAY AND EASEMENTS FOR THE INGERSOLL AVENUE STREETScape
PROJECT BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on October 24, 2005, by Roll Call No. 05-2597, the City Council approved a professional services agreement with Douglas Hoerr Landscape Architecture, Inc. for the Ingersoll Avenue Streetscape Project, not to exceed \$238,655; and

WHEREAS, on August 7, 2006, by Roll Call No. 06-1554, the City Council authorized the City Engineer to issue notice to proceed to Douglas Hoerr Landscape Architecture, Inc. for Phase 3 (Design Development) and Phase 4 (Bidding Phase) of the professional services agreement scope of services for the Ingersoll Avenue Streetscape Project; and

WHEREAS, the preliminary design has been completed and the right-of-way acquisition needs have been determined; and

WHEREAS, after authorization to acquire right-of-way has been granted by the City Council, the necessary property interests will be valued and the proposed Fair Market Value of the property interests will be submitted to the City Council or the City Manager, as applicable, for approval and authorization to proceed with the acquisitions; and,

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

1. That the City Manager be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the Ingersoll Avenue Streetscape Project, subject to approval by this Council, or approval of the City Manager in accordance with Section 2-201(c) and (d), of the Municipal Code of the City of Des Moines, Iowa, as appropriate.
2. That the property 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 assistance is hereby authorized.
3. That the Fair Market Value of these parcels will be approved in accordance with established City policy. If the property owners agree to convey the property to the city in an amount based on the established fair market value, including an approved administrative settlement, or if a condemnation award is based on the established fair market value or falls within an approved settlement amount, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and

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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.

(Council Communication No. ____ - _____)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 David A. Ferree
 Assistant City Attorney

Funding source: 2006-07 CIP, Street Improvements – Page 24, Ingersoll Streetscape Improvements 28th – 31st, Project STR221

RW

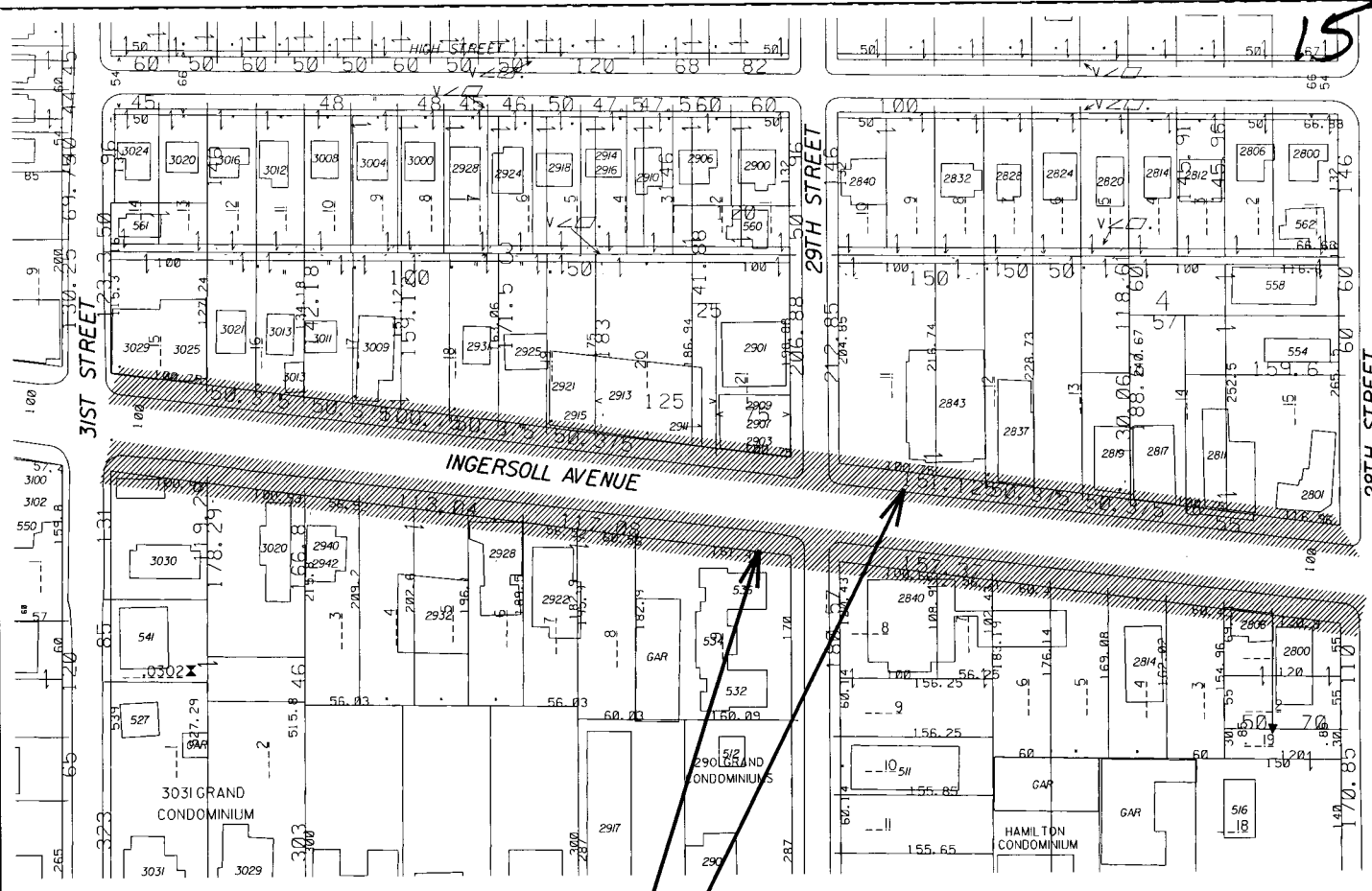
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
MEYER				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

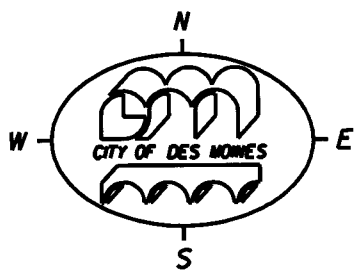
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk



**PROPERTY
LOCATION**



**PROPERTY ACQUISITION
INGERSOLL AVENUE
STREETScape PROJECT
ACTIVITY I.D. 32-2007-074**