

Date.....March 12, 2007

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY
RIGHT-OF-WAY AND EASEMENTS FOR THE 2006 PEDESTRIAN CROSSING
CONTROL IMPROVEMENTS PROJECT BY GIFT, NEGOTIATION, OR
CONDEMNATION**

WHEREAS, on May 22, 2006, by Roll Call No. 06-978, the City Council authorized execution of Iowa Department of Transportation Project Agreement to upgrade four existing pedestrian crossing locations: (1) University Avenue, east of 29th Street, (2) University Avenue at 27th Street, (3) University Avenue at 4th Street, and (4) Grand Avenue at East 13th Street; and

WHEREAS, after authorization to acquire right-of-way has been granted by the City Council and the preliminary design has been completed for each project, 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 2006 Pedestrian Crossing Control Improvements 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 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.

★ Roll Call Number

Agenda Item Number

16

Date March 12, 2007

(Council Communication No. 07-132)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 David A. Ferree
 Assistant City Attorney

Funding source: 2006-07 CIP, Traffic Control Improvements – Page 5, City-wide Signals, Channelization, and School Crossing Protection, Project TFC091

RAW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
MEYER				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

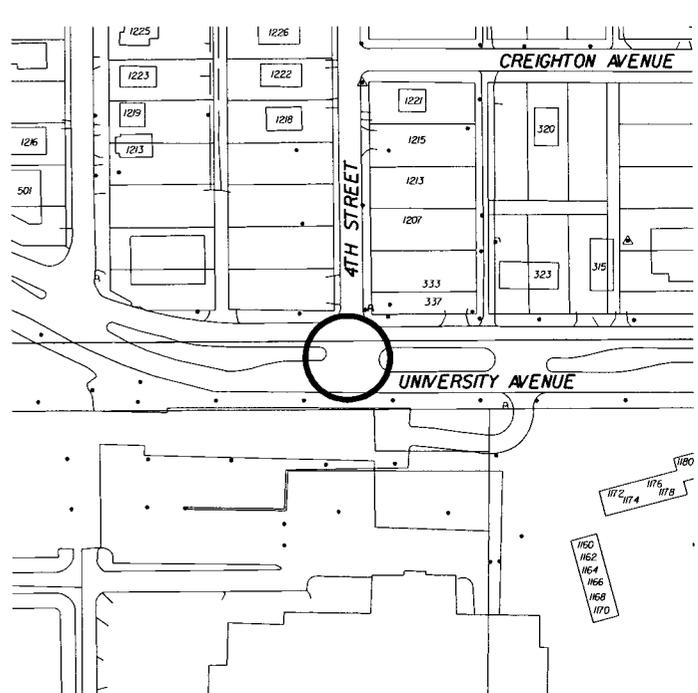
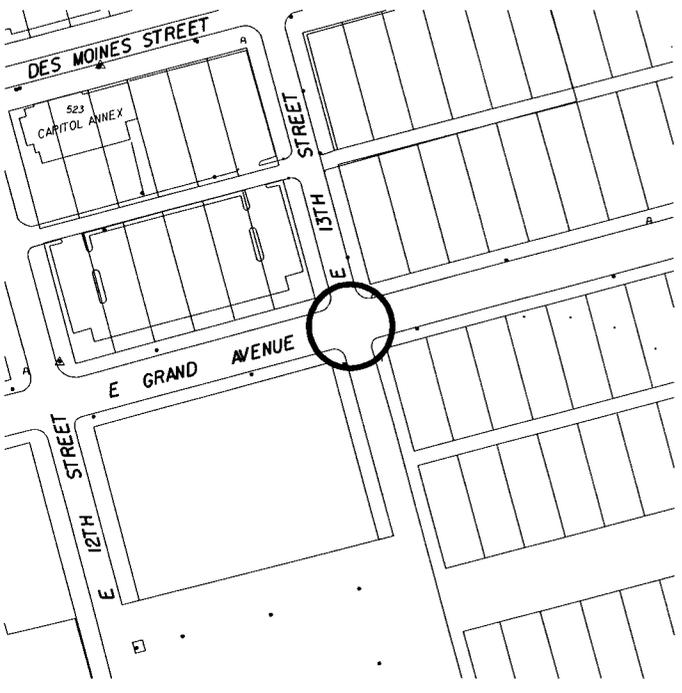
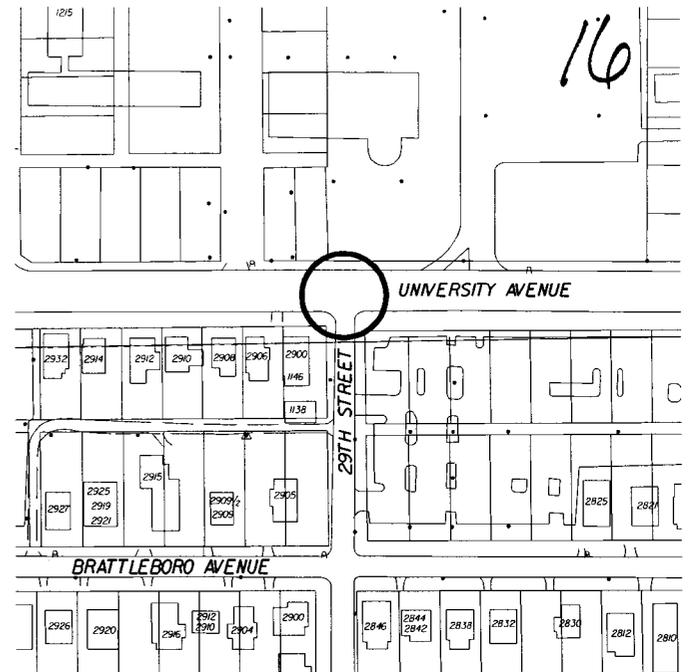
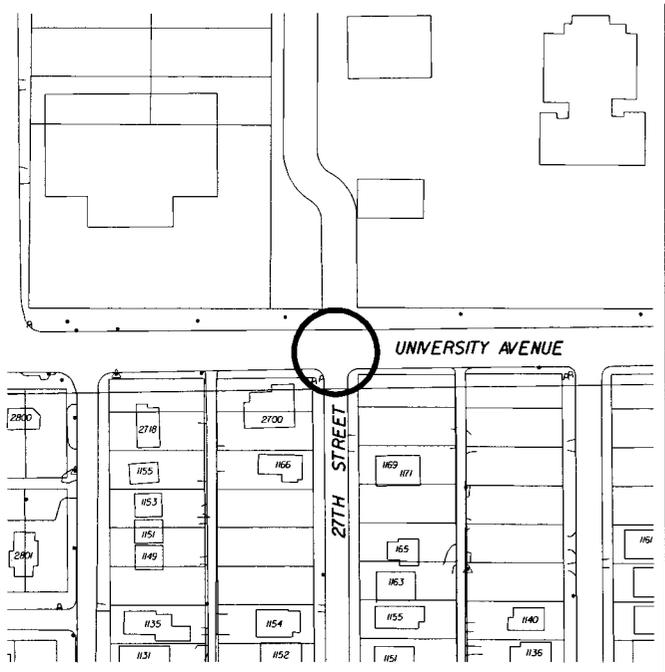
CERTIFICATE

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.

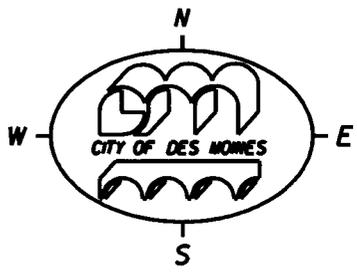
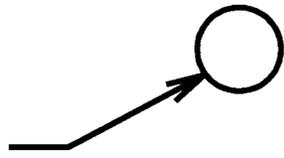
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

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PROJECT LOCATIONS



2006 TRAFFIC CONTROL IMPROVEMENTS ACTIVITY I.D. 04-2006-012