

Date ..... April 7, 2008 .....

**APPROVING AND AUTHORIZING THE EXECUTION OF IOWA  
DEPARTMENT OF TRANSPORTATION (IDOT) AGREEMENT FOR 42<sup>ND</sup> STREET  
AND KINGMAN BOULEVARD INTERSECTION IMPROVEMENTS, AND  
AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY  
RIGHT-OF-WAY AND EASEMENTS BY GIFT, NEGOTIATION, OR  
CONDEMNATION**

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES,  
IOWA:

1. That Agreement No. 2008-TS-007 between the City of Des Moines and the Iowa Department of Transportation for 42<sup>nd</sup> Street and Kingman Boulevard Intersection Improvements, a copy of which is now on file in the office of the City Clerk, is hereby approved as to form and content.
2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.
3. 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 42<sup>nd</sup> Street and Kingman Boulevard Intersection Improvements Project, subject to approval by this Council, or approval by 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.
4. 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.
5. 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

★ **Roll Call Number**

**Agenda Item Number**

8

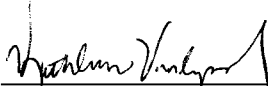
**Date** April 7, 2008

directed to complete these transactions in accordance with standard real estate practices and state law requirements.

(Council Letter Number 08-186 attached)

Activity ID 06-2007-019

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:   
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source – Various funding being:



- \$300,000 Iowa DOT Traffic Safety Improvement Program
- \$60,000 - 2007-08 CIP, Page Traffic Control Improvements-5, Citywide Signals, Channelization, and School Crossing Protection Program, TFC091

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

MOTION CARRIED

APPROVED

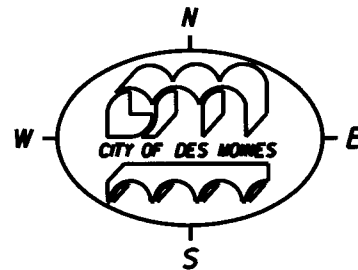
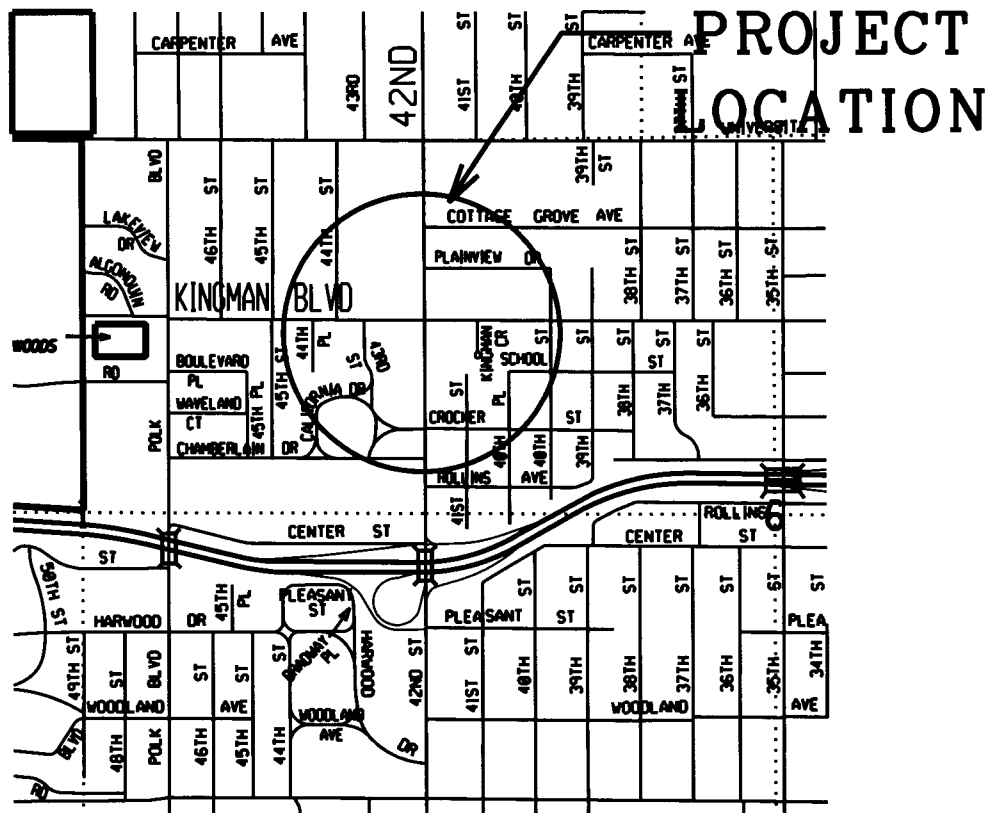
\_\_\_\_\_  
 Mayor

**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



# 42ND STREET AND KINGMAN BOULEVARD INTERSECTION IMPROVEMENTS

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