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Date May 19, 2008

AUTHORIZATION FOR RIGHT OF WAY

WHEREAS, the Engineering Department has determined that it is necessary to acquire right-of-way and easements in connection with the construction of sidewalk improvements further described as:

- Construction of Class “B” Portland cement concrete sidewalks, four (4) inches thick, [six (6) inches thick at driveways], together with all necessary appurtenances on:
  - SE 14<sup>th</sup> Street Sidewalk (west side except where sidewalk exists) from McKinley Avenue to Cummins Road, Activity ID 09-2006-004, Schedule No. 2007-02;
  - State Avenue Sidewalk (except where sidewalk exists) from E 32<sup>nd</sup> Street to E 33<sup>rd</sup> Street, Activity ID 09-2007-003, Schedule No. 2007-01.

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 purchase, gift, or condemnation the necessary right-of-way and easements for construction of said improvements, 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 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

S3C

Date May 19, 2008

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

FORM APPROVED: \_\_\_\_\_  
 Kathleen Vanderpool  
 Deputy City Attorney

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Funding: 2008-2009 CIP, Page Sidewalk-7, School Routes and Priority Sidewalks, STR081, being \$35,536.55 from Special Assessments against benefited property owners and \$115,934.86 in G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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