

Date June 18, 2007

RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR A PERMANENT EASEMENT FOR WETLANDS MITIGATION LOCATED IN NORTHEAST POLK COUNTY FROM THE IOWA NATURAL HERITAGE FOUNDATION FOR THE AMERICAN DISCOVERY TRAIL – PHASE 3 PROJECT

WHEREAS, on December 16, 2002, by Roll Call No. 02-2976, the City Council approved the City of Des Moines Trails Plan, of which Phase 3 of the Walnut Creek Connection was included; and

WHEREAS, on December 6, 2004, by Roll Call No. 04-2609, the City Council authorized acquisition for the American Discovery Train, Walnut Creek Connection - Phase 3; and

WHEREAS, wetland mitigation is required for the American Discovery Trail – Phase 3 Project and potentially for future phases, and the property listed below has been determined to be suitable for wetlands mitigation; and

WHEREAS, the following property has been appraised by an independent appraisal firm, and the appraisal was reviewed by the City of Des Moines Real Estate Division appraiser; and

WHEREAS, based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Iowa Natural Heritage Foundation
Property Location:	South of NE 118 th Ave. and East of NE 82 nd St. Tax parcels: 230/00049-003-000 & 230/00048-005-000
Property Interests to be Acquired:	Permanent Easement for Wetlands Mitigation
Suggested Fair Market Value:	\$72,600

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

That the valuation listed and identified above as “Suggested Fair Market Value” is hereby established as the fair market value of the property listed herein.

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

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

If the property owner agrees 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

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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 and 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.

(COUNCIL COMMUNICATION NO. 07-314)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

Funding source: 2007-08 CIP, Park Improvements – Recreation Trails, Page 22, American Discovery Trail, Project PKS045, Fund CP040, Org. PKS990000

aw

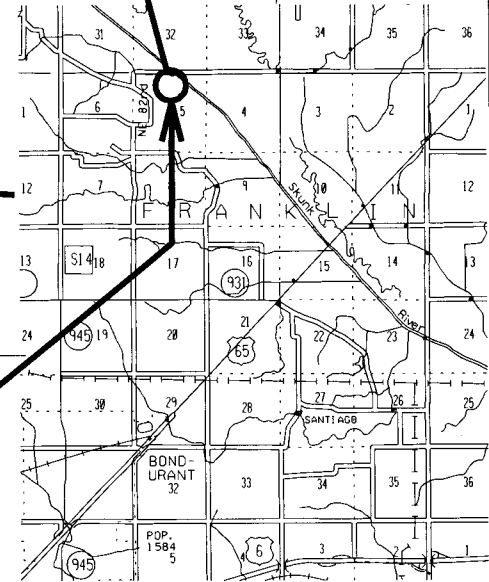
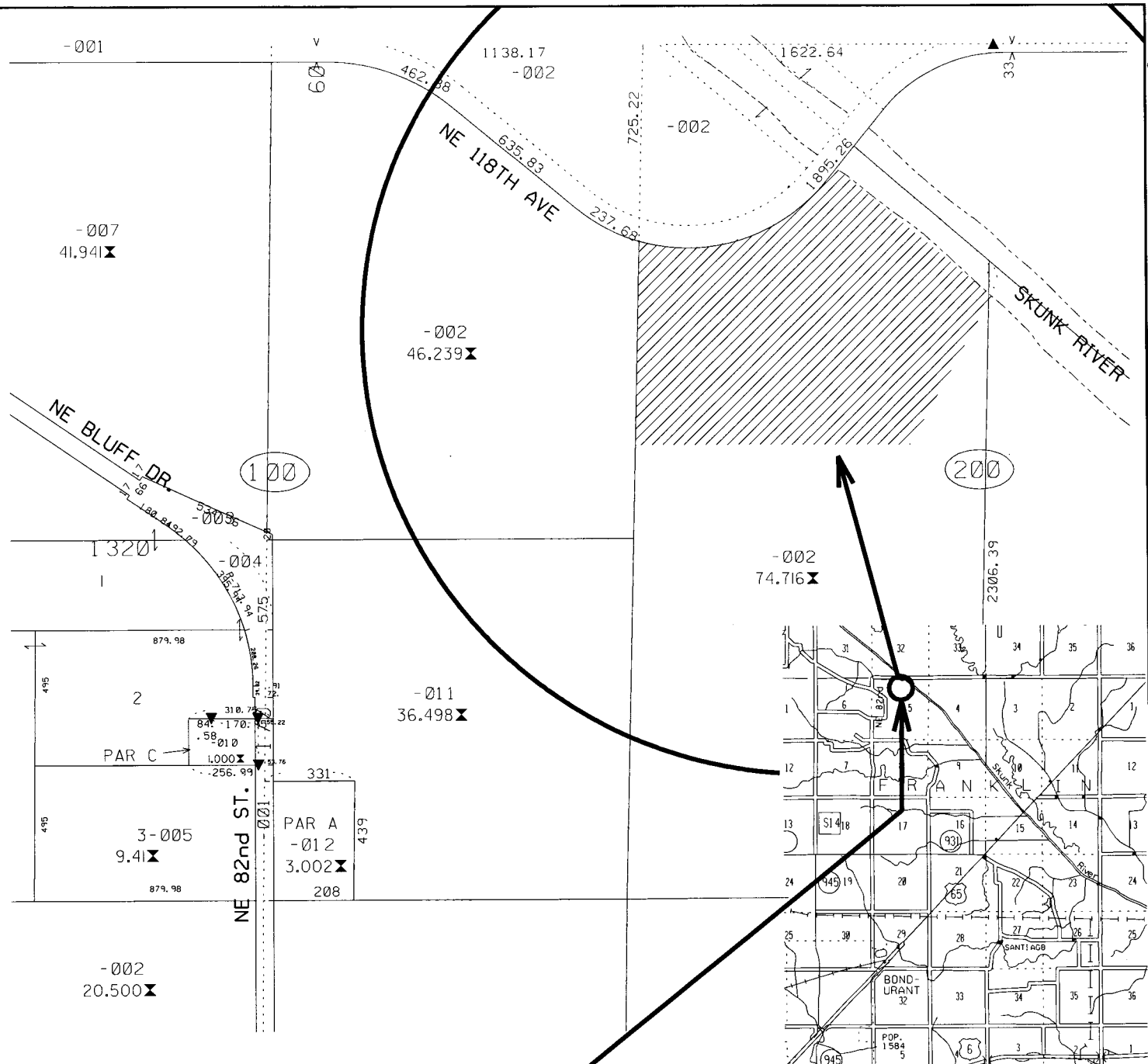
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
MEYER				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

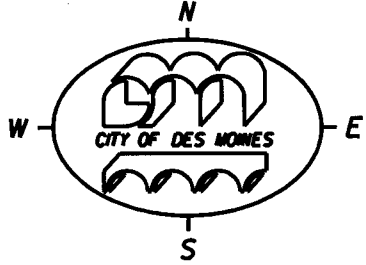
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk

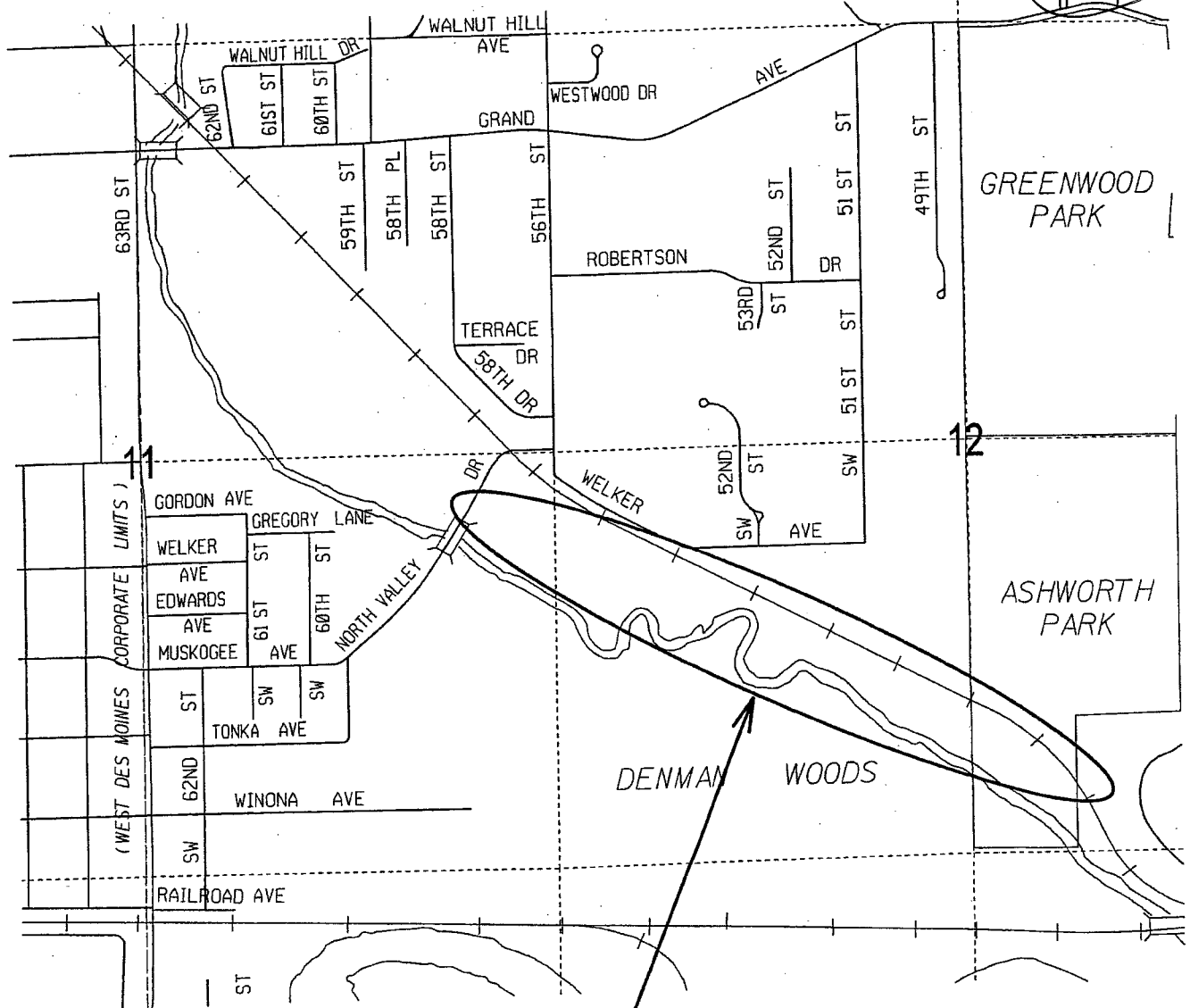


**PROPERTY
LOCATION**

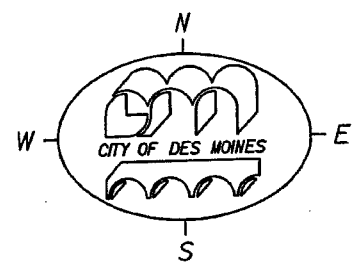


**PROPERTY ACQUISITION
AMERICAN DISCOVERY TRAIL
ACT. I.D. 32-2007-082**

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**PROPERTY
LOCATION**



**AMERICAN DISCOVERY TRAIL
WALNUT CREEK CONNECTION
SEGMENT 3**

ACTIVITY I.D. 32-2005-008