

Date August 6, 2007

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE DEAN'S LAKE PUMP STATION IMPROVMENTS PROJECT BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on February 26, 2007, by Roll Call No. 07-323, the City Council approved a professional services agreement with Howard R. Green for design and construction phase services for the Dean's Lake Pump Station Improvements not to exceed \$520,000; and

WHEREAS, after the preliminary design has been completed and the right-of-way acquisition needs have been determined, the City's Real Estate Division of the Engineering Department will complete the acquisition of all property interests; and

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

1. That the Real Estate Division of the Engineering Department 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 Dean's Lake Pump Station 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

18

Date August 6, 2007

Dean's Lake Pump Station Improvements

(COUNCIL COMMUNICATION NO. 07-483)

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

Funding source: 2007-08 CIP, Storm Water Improvements – Page 8, Dean's Lake Pump Station Improvements, Storm Water Revenue Bonds, Project STE080, Fund EN304, Org. ENG990000

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*Row*

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

**CERTIFICATE**

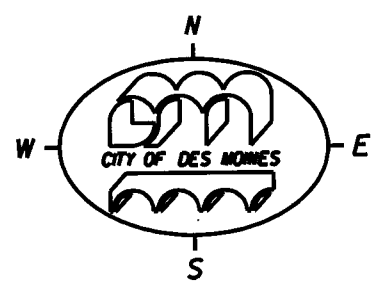
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

\_\_\_\_\_  
City Clerk



PROJECT  
LOCATION



AUTHORITY TO ACQUIRE  
DEAN'S LAKE PUMP STATION  
ACT. I.D. 32-2008-003