

Date December 7, 2009

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE PROPERTIES FOR THE SOUTHEAST 6TH STREET WIDENING – COURT AVENUE TO THE DES MOINES RIVER PROJECT

WHEREAS, on March 9, 2009, by Roll Call No. 09-368, the City Council approved a Professional Services Agreement between the City of Des Moines and Snyder & Associates for design and construction phase services for the Southeast 6th Street Widening – Court Avenue to the Des Moines River Project; and

WHEREAS, on October 26, 2009, by Roll Call No. 09-1914, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct this project; and

WHEREAS, the following properties have been appraised by an independent appraisal firm, and based upon the appraisals, the suggested fair market values of the properties are as follows:

Titleholder: A. J. Allen Mechanical Contractors, Inc.
Property Location: 320 SE 6th Street, Des Moines, IA 50309-5122
Property Interest(s) to Be Acquired: Temporary Easement for Construction
Suggested Fair Market Value: \$26,900.00

Titleholder: Diamond Oil Company
Property Location: 301 SE 6th Street, Des Moines, IA 50309
Property Interest(s) to Be Acquired: Temporary Easement for Construction
Suggested Fair Market Value: \$22,100.00

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

That the valuations listed and identified above as “Suggested Fair Market Value” are hereby established as the fair market value of the properties listed herein.

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

That the properties 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.

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Date December 7, 2009

If the property owners agree to convey the properties 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.

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 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.

That the Real Estate Division Manager is hereby authorized and directed to execute Maintain Vacancy Agreements and Rental Agreements, if necessary.

★ **Roll Call Number**

Agenda Item Number

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Date December 7, 2009

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(Council Communication No. 09-853)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

 Glenna K. Frank

Assistant City Attorney

RSW

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

CERTIFICATE

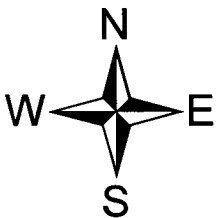
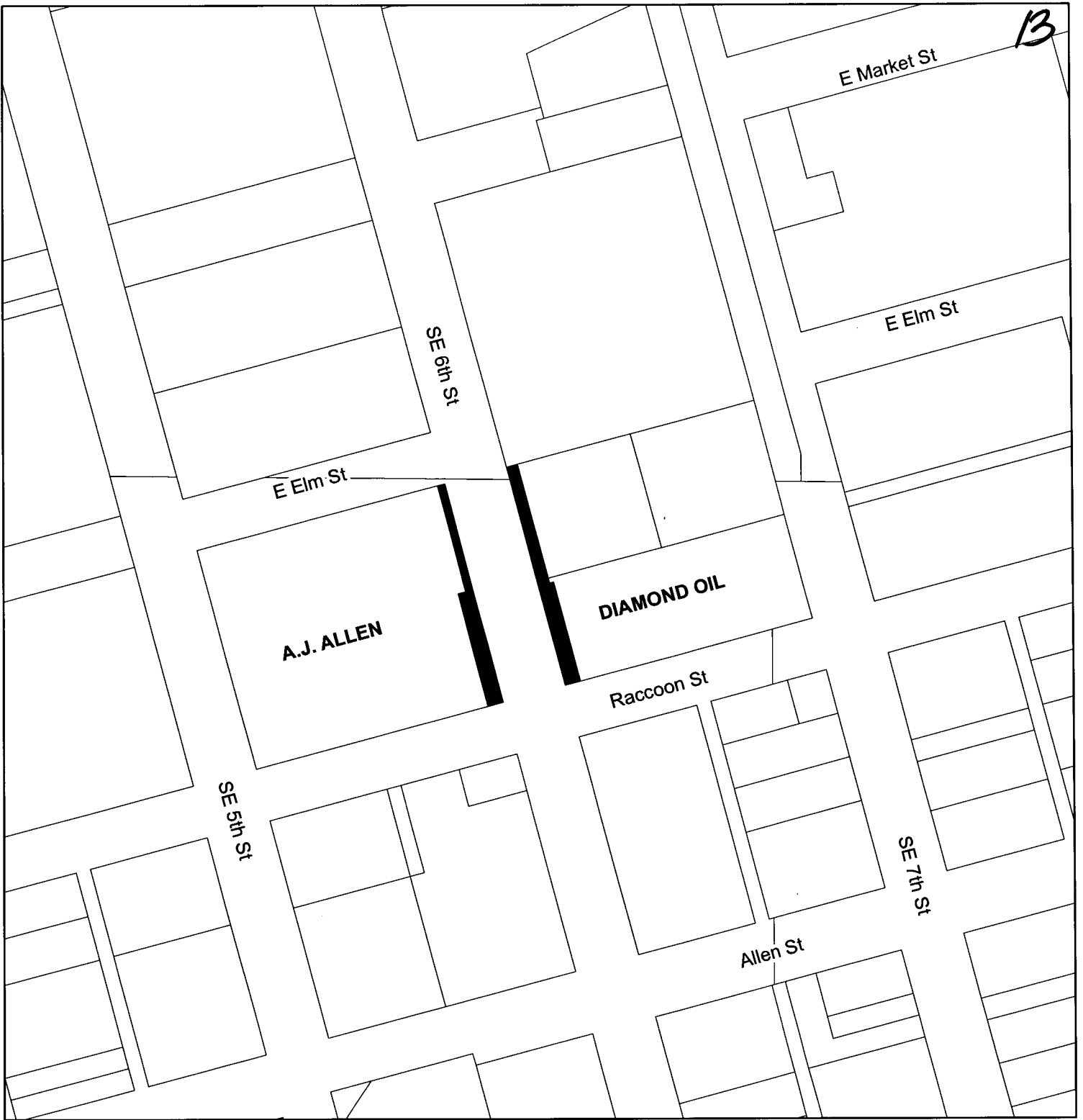
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

 Mayor

 City Clerk



Legend

 PROJECT LOCATION

**ACQUISITION -
SE 6TH STREET WIDENING -
E. COURT AVENUE TO
DES MOINES RIVER**