

Date December 8, 2008

**AUTHORIZATION TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE
RIVERPOINT WEST STREET IMPROVEMENT PROJECT BY GIFT,
NEGOTIATION, OR CONDEMNATION**

WHEREAS, the Riverpoint West area is located directly south of the Central Business District and is bounded by the Martin Luther King, Junior Parkway to the north, Southwest 9th Street to the east and the Raccoon River to the south and west; and

WHEREAS, the City's Engineering Department has determined the need for additional street infrastructure and municipal sewer utility enhancements in the Riverpoint West area, and it will be necessary to acquire several permanent and temporary easements in order to complete the Riverpoint West Street Improvement Project; and

WHEREAS, the City's Real Estate Division of the Engineering Department will acquire said easements for this project; and

WHEREAS, the proposed Fair Market Value of the property interests to be acquired will be submitted to the City Council or the City Manager, as applicable, for approval and authorization to proceed with the acquisitions.

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 gift, negotiation, or condemnation the necessary property interests for construction of the Riverpoint West Street Improvement 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

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

(COUNCIL COMMUNICATION NO. 08- 723)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

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

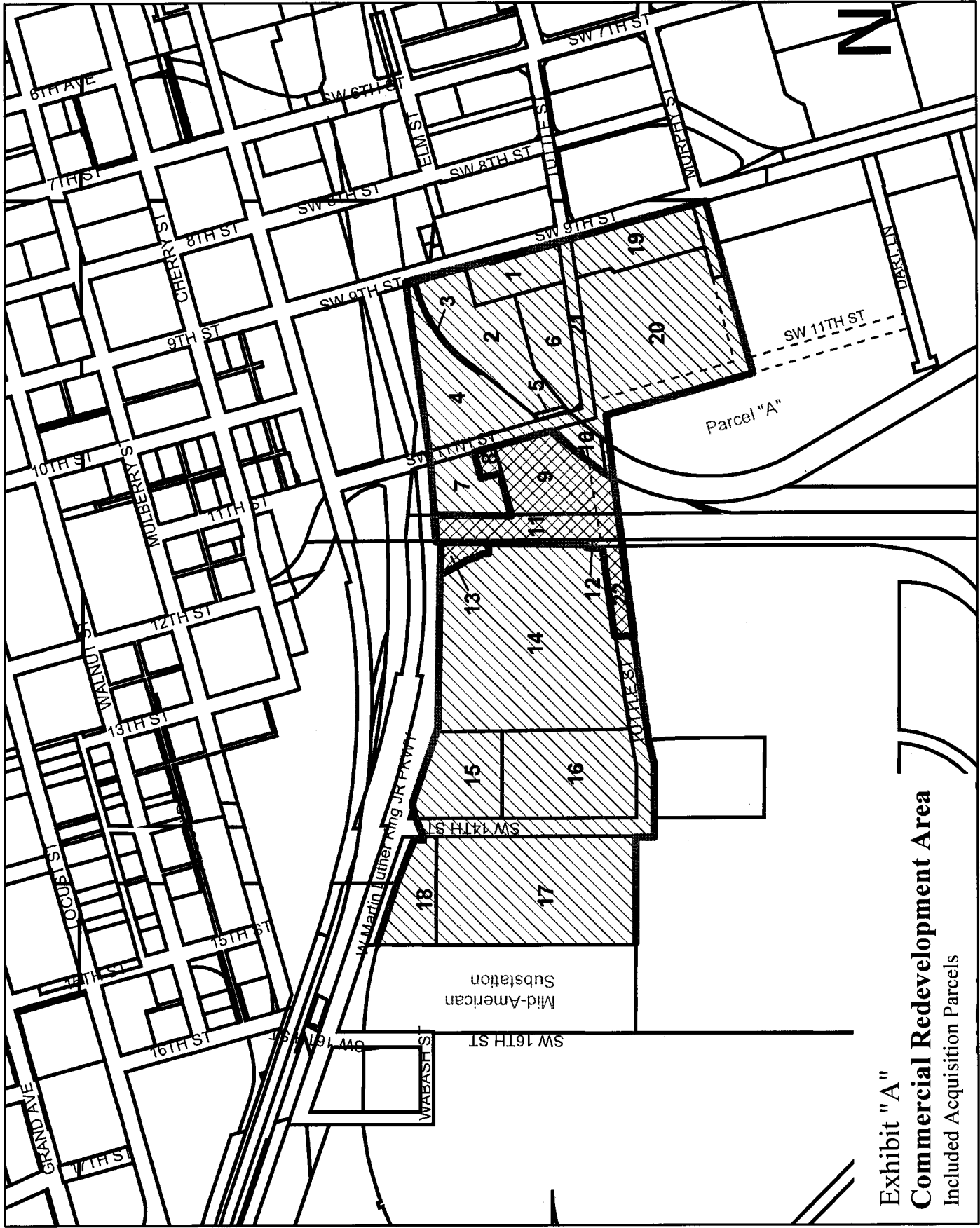


Exhibit "A"
Commercial Redevelopment Area
 Included Acquisition Parcels

Phase 2 Commercial Redevelopment Area

Phase 1 Commercial Redevelopment Area

