



**Date** ..... December 17, 2007

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE EAST INDIANOLA AVENUE WIDENING PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, on July 25, 2005, by Roll Call No. 05-1773, City Council approved the professional services agreement between the City of Des Moines and Snyder & Associates, Inc., for engineering services in conjunction with the East Indianola Avenue Corridor Study; and

**WHEREAS**, on October 8, 2007, by Roll Call No. 07-1994, City Council (1) approved the East Indianola Avenue Corridor Study, and (2) approved the professional services agreement with Snyder & Associates, Inc. (David Moeller, P.E., President, 501 SW Oralabor Road, Ankeny, Iowa 50021), for the East Indianola Avenue Roadway Design, total not to exceed \$988,908.00; and

**WHEREAS**, after the design is completed and right-of-way needs are determined, 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; and

**WHEREAS**, public hearings have been set pursuant to the Iowa Code for authorization of right-of-way acquisition on agricultural land (Iowa Code Section 6B.2A) and of acquisition of property for recreational trail purposes (Iowa Code Section 6B.2D), and City Council must separately approve authorization to proceed with acquisition for the remainder of the right-of-way and easement needs for the East Indianola Avenue Widening Project.

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

1. That the City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary property interests, other than those interests located on agricultural land or to be acquired for recreational trail purposes, for construction of the East Indianola Avenue Widening 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 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 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

**Date** December 17, 2007

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.

(Council Communication No. 07- 748 )

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

Funding Source: 2007-08 CIP,  
Page Street – 16, East Indianola  
Avenue Widening – SE 14<sup>th</sup> to  
Army Post Road, STR213

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank  
Assistant City Attorney

*PRW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFRY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

MOTION CARRIED APPROVED

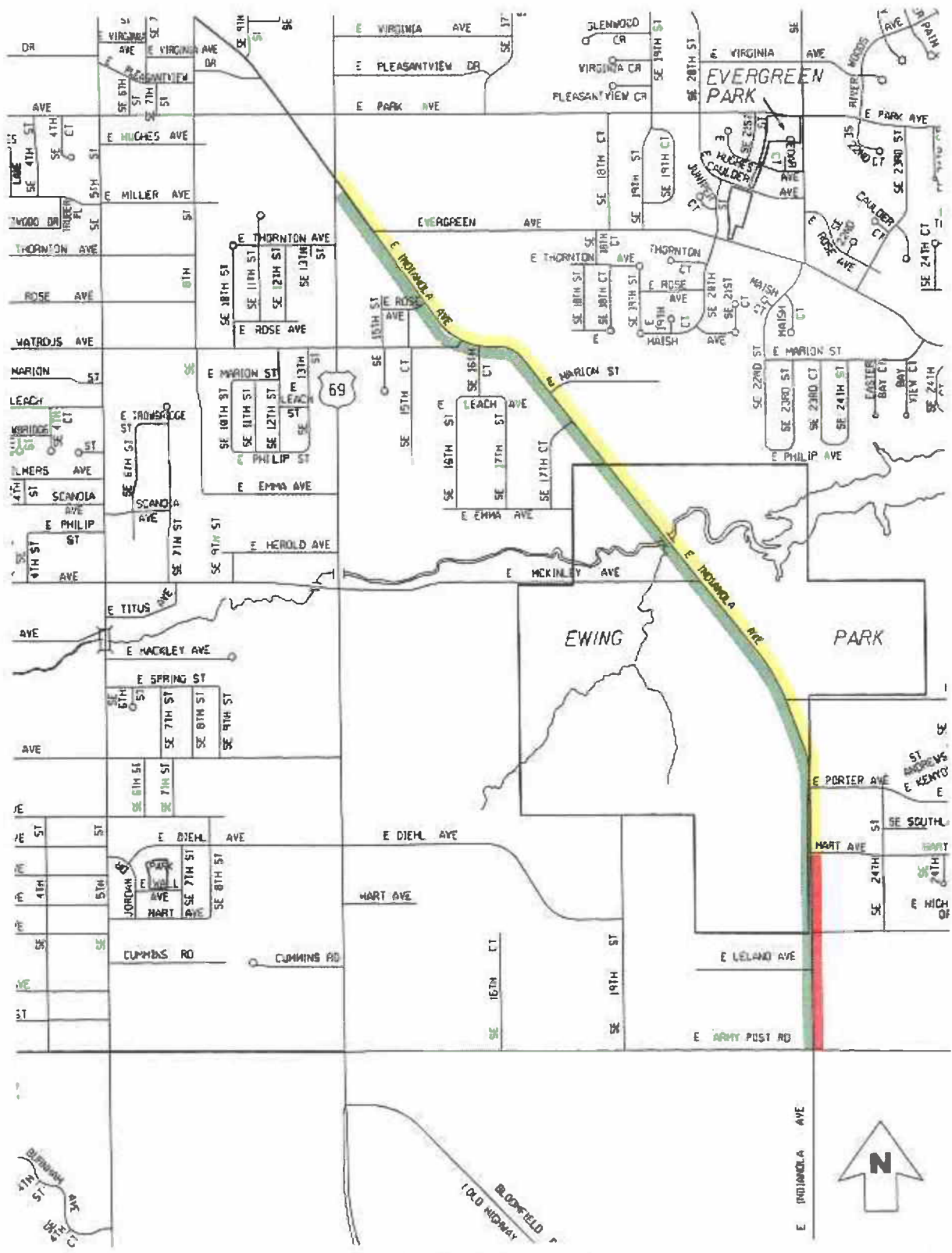
\_\_\_\_\_  
Mayor

**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



- AGRICULTURAL PROPERTY
- RECREATIONAL TRAIL
- NON-AGRICULTURAL NON-RECREATION TRAIL
- PROPERTIES NEEDED FOR WIDENING PROJECT