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**Date** May 20, 2013 .....

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE  
PROPERTIES FOR SOUTHWEST 9<sup>TH</sup> STREET WIDENING FROM  
TITUS AVENUE TO KENYON AVENUE**

**WHEREAS**, on February 13, 2012, by Roll Call No. 12-0165, the City Council approved the execution of Iowa Department of Transportation Agreements No. 2012-16-002 and No. 2010-TS-106 for the Southwest 9<sup>th</sup> Street Widening from Titus Avenue to Kenyon Avenue project; and

**WHEREAS**, on January 28, 2013, by Roll Call No. 13-0093, the City Council approved the execution of an Iowa Department of Transportation Agreement No. 1-12-STPU-023 for the Southwest 9<sup>th</sup> Street Widening from Titus Avenue to Kenyon Avenue project; and

**WHEREAS**, on January 28, 2013, by Roll Call No. 13-0094, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way and easements required for the Southwest 9<sup>th</sup> Street Widening from Titus Avenue to Kenyon Avenue project; and

**WHEREAS**, the following property interests have been appraised and the appraisals have been or are being reviewed and approved by independent appraisers; and

**WHEREAS**, based upon the appraisals, the suggested fair market values of the property interests to be acquired are as follows:

Titleholder: Hamilton's Funeral Home, Inc.  
Property Location: 5400 SW 9<sup>th</sup> Street, Des Moines, IA 50315-7246  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Fair Market Value: \$11,425 (Plus Closing Costs)

Titleholder: Carlton D. Peterson, as Trustee of the Carlton D. Peterson Trust  
Property Location: 5310 and 5314 SW 9<sup>th</sup> Street, Des Moines, IA 50315  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Suggested Fair Market Value: \$11,606 (Plus Closing Costs)

Titleholder: Dennis K. Livingston / Livingston's Automotive Service  
Property Location: 5300, 5304 and 5306 SW 9<sup>th</sup> Street, Des Moines, IA 50315  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Suggested Fair Market Value: \$17,682 (Plus Closing Costs and Sign Relocation)

Titleholder: Rebecca S. Anderson  
Property Location: 5112 SW 9<sup>th</sup> Street, Des Moines, IA 50315  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Fair Market Value: \$11,198 (Plus Closing Costs and Sign Relocation)

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Titleholder: Vinh Nguyen Enterprises, Inc.  
Property Location: 5010 SW 9<sup>th</sup> Street, Des Moines, IA 50315-4501  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Suggested Fair Market Value: \$14,414 (Plus Closing Costs and Sign Relocation)

Titleholder: Sunburst Apartments, Ltd., n/k/a Sunburst of Iowa, LP  
Property Location: 5015 SW 9<sup>th</sup> Street, Des Moines, IA 50315  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Suggested Fair Market Value: \$16,133 (Plus Closing Costs)

Titleholder: DM Summerplace Apartments, L.L.C.  
Property Location: 5209 SW 9<sup>th</sup> Street, Des Moines, IA 50315-7262  
Property Interest to Be Acquired: Partial Fee Acquisition and Temporary Construction Easement  
Suggested Fair Market Value: \$14,202 (Plus Closing Costs)

**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 values of the property interests listed herein.

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

That the property interests 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.

If the property owners agree to convey the property interests 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.

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

(Council Communication No. 13-245)

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

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

*ASW*

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| HENSLEY        |      |      |          |        |
| GRIESS         |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| MOORE          |      |      |          |        |
| 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