Roll Call Number	Agenda Item Number		
	14		
Date January 26, 2015	·		

AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FOR THE PARK AVENUE WIDENING – SW 56TH STREET TO SW 63RD STREET PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN

WHEREAS, the City's Engineering Department has determined that it is necessary to acquire right-of-way in connection with the Park Avenue Widening – SW 56th Street to SW 63rd Street Project; and

WHEREAS, the City's Real Estate Division of the Engineering Department will acquire the necessary right-of-way for this project; 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

WHEREAS, the property interests to be acquired for this Project will be used as City right-of-way following acquisition thereof, except for land to be determined excess by the City Engineer.

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 for construction of the Park Avenue Widening SW 56th Street to SW 63rd Street 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 applicable.
- 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

GRAY GRAY HENSLEY MAHARREEV Certify that at a meeting of the City Council of said City of Des Moines, held on the above dat among other proceedings the above was adopted. IN WITNESS WHEREOF, I have hereunto set m	Roll Call	Numk	er 			Agenda Item Number
4. 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. 5. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents for this Project 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. 6. That the property interests acquired as part of this Project for use as City right-of-way and/or public sidewalks are hereby dedicated as such, except for land to be determined excess by the City Engineer, with dedication effective upon acquisition and/or closing by gift, negotiation or eminent domain. (Council Communication No. 15	Date Janua	ary 26,	2015			
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APPROVED AS TO FORM: Cori Kuhn Coleman, Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE COLEMAN GATTO GRAY HENSLEY MAHAFFEY MAHAFFEY MAHAFFEY MAHAFFEY LOVE ATTO FORM: CERTIFICATE CERTIFICATE I, DIANE RAUH, City Clerk of said City herebe certify that at a meeting of the City Council of said City of Des Moines, held on the above dat among other proceedings the above was adopted. IN WITNESS WHEREOF, I have hereunto set me hand and affixed my seal the day and year fire.				(Counc	cil Comn	munication No. 15- <u>034</u>
COUNCIL ACTION YEAS NAYS PASS ABSENT CERTIFICATE 1, DIANE RAUH, City Clerk of said City herebectify that at a meeting of the City Council of said City of Des Moines, held on the above dat among other proceedings the above was adopted. HENSLEY MAHAFFEY IN WITNESS WHEREOF, I have hereunto set mand and affixed my seal the day and year fire.			Mo	ved by		to adopt.
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TOTAL				+	1	above written.

Mayor

City Clerk