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**Date** ..... October 24, 2016 .....

**APPROVING THE HOWE ELEMENTARY, PARK AVENUE ELEMENTARY, AND WINDSOR  
ELEMENTARY PEDESTRIAN BRIDGE CONCEPT PLANS AND AUTHORIZING CITY STAFF TO  
PROCEED WITH ACQUISITION OF NECESSARY RIGHT OF WAY AND EASEMENTS**

WHEREAS, on August 11, 2014, by Roll Call No. 14-1208, the City Council approved a Professional Services Agreement with Shuck-Britson, Inc., to complete a Pedestrian Bridge Structural Evaluation of the pedestrian bridges near Howe Elementary, Park Avenue Elementary, and Windsor Elementary; and

WHEREAS, ten public meetings were held with school, parent, and neighborhood groups to review the evaluation findings and gain input throughout 2016; and

WHEREAS, City staff presented the concept plans to the Des Moines Public Schools School Board on September 20, 2016; and

WHEREAS, the developed concept plans were presented to the City Council of the City of Des Moines, Iowa, on October 24, 2016, that include pedestrian bridge removal and associated enhanced at-grade pedestrian crossing improvements; and

WHEREAS, the City's Engineering Department has determined that it is necessary to acquire property interests in connection with the Howe, Windsor, and Park School Bridge and Site Improvements Project; and

WHEREAS, the City's Real Estate Division of the Engineering Department will acquire the necessary property interests for this project; and

WHEREAS, after the design is completed and property interest 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 acquisitions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the concept plans for the Howe Elementary, Park Avenue Elementary, and Windsor Elementary pedestrian bridges, a copy of which is on file in the office of the City Engineer, be and is hereby approved.

NOW, THEREFORE, BE IT FURTHER 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 said 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.

★ **Roll Call Number**

**Agenda Item Number**

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

(Council Communication No. 16- **619** )  
Activity ID 04-2017-002

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
\_\_\_\_\_  
Kathleen Vanderpool  
Deputy City Attorney

Funding Source: Various funding sources as follows:

- AC** • 580,000 (estimated) 2016-2017 CIP, Page Bridge-4, City-wide Bridges, BR003
- \$495,000 (estimated) Des Moines Public Schools

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MOORE          |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| 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