



Roll Call Number

Agenda Item Number

16

Date August 6, 2018

**AUTHORIZATION TO ACQUIRE THE NECESSARY PROPERTY INTERESTS FOR THE
JAMES W. COWNIE SPORTS COMPLEX SIGNAGE IMPROVEMENTS PROJECT BY
GIFT, NEGOTIATION, OR EMINENT DOMAIN**

WHEREAS, the City's Engineering Department has completed a preliminary design and has determined that it is necessary to acquire property interests from Edward L. Garner and tenant at 2013 SE 14th Street for the James W. Cownie Sports Complex Signage Improvements Project (hereinafter "Project"); and

WHEREAS, in accordance with Iowa Code Section 6B.2D, notice of intent to approve acquisition of the necessary property interests for the Project has been sent to each property owner, contract purchaser and tenant of the property proposed to be acquired for the Project and all such persons receiving notice shall have the right to voice objection to the proposed acquisition of the property interests; 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 final 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:

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 eminent domain the necessary property interests from Edward L. Garner and tenant for construction of the James W. Cownie Sports Complex Signage Improvements 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

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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. 18- 405)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

CERTIFICATE

I, DIANE RAUH, Chief Deputy 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

City Clerk