

★ Roll Call Number

08-116

Agenda Item Number

19

SE Connector – SW 2nd to SE 6th: Page 1

Date January 28, 2008

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE
PROPERTIES FOR THE SOUTHEAST CONNECTOR PROJECT – SW 2ND
STREET TO SE 6TH STREET PHASE**

WHEREAS, on April 25, 2005, by Roll Call No. 05-969, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct this project; and

WHEREAS, on November 9, 2007, the City's Engineering Department received authorization from the Iowa Department of Transportation to commence acquisition of all necessary property interests for this project; and

WHEREAS, the following properties have been appraised by an independent appraisal firm, and the appraisals have been reviewed and approved by the Iowa Department of Transportation; and

WHEREAS, based upon the appraisals, the suggested fair market values of the properties are as follows:

Titleholder:	Dale C. and Ilene Belieu
Contract Purchaser:	Craig L. and Marsha K. Peters
Property Location:	209 Raccoon Street, Des Moines, IA 50309-5134
Property Interest(s) to be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$252,000

Titleholder:	Sam J. Nicolino, Jr. and Mabel B. Nicolino
Property Location:	404 - 242 SE 5 th Street, Des Moines, IA 50309
Property Interest(s) to be Acquired:	Partial Fee Simple
Suggested Fair Market Value:	\$78,000

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

That the valuation listed and identified above as "Suggested Fair Market Value" is hereby established as the fair market value of the property listed herein.

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

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 is hereby authorized.

★ Roll Call Number

08-116

Agenda Item Number

19

Date January 28, 2008

SE Connector – SW 2nd to SE 6th: Page 2

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.

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.

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

(Council Communication No. 08-042)

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

REN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED

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.

T. M. Franklin Mayor

Diane Rauh City Clerk