

★ **Roll Call Number**

08-480

Agenda Item Number

23

Date March 24, 2008

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY
RIGHT-OF-WAY AND EASEMENTS FOR THE SW 7th STREET AND INDIANOLA ROAD
INTERSECTION IMPROVEMENTS PROJECT BY GIFT,
NEGOTIATION, OR CONDEMNATION**

WHEREAS, on July 10, 2006, by Roll Call No. 06-1305, the City Council approved and authorized the execution of the Iowa Department of Transportation Agreement for S.W. 7th Street and Indianola Road Intersection Improvements; and

WHEREAS, the preliminary design has been completed and the right-of-way acquisition needs have been determined; and

WHEREAS, right-of-way authorization has been granted by the Iowa Department of Transportation.

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

1. That the City Manager 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 SW 7th Street and Indianola Road Intersection 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 appropriate.
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 complete these transactions in accordance with standard real estate practices and state law requirements.

★ Roll Call Number
08-480

Agenda Item Number
23

Date March 24, 2008

(COUNCIL COMMUNICATION NO. 08 - 164)

Moved by Vlassis to adopt.

Funding source: 2007-08 CIP,
 Street Improvements – Page 45,
 SW Seventh Street and Indianola
 Road Intersection Improvements,
 Project STR228, Fund CP038, Org.
 ENG990000

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RIN

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

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 7 APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk