



Roll Call Number

08-1174

Agenda Item Number

15

Date July 14, 2008

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RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR PROPERTY LOCATED IN THE VICINITY OF 2001 HUBBELL AVENUE (TAX PARCEL NO. 040/06647-002-001) FROM UNION PACIFIC RAILROAD COMPANY FOR THE I-235 DEAN'S LAKE OUTLET SEWER – PHASE 2 PROJECT

WHEREAS, on September 24, 2001, by Roll Call No. 01-2846, the City Council of the City of Des Moines approved a Professional Services Agreement with Veenstra and Kimm, Inc., for design services for the Deans Lake Outlet Storm Sewer Project – Phase II; and

WHEREAS, on November 22, 2004, by Roll Call No. 04-2515, 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, the following property has been appraised by an independent appraisal firm, and the appraisal will be reviewed by the Iowa Department of Transportation (IDOT) prior to initiation of negotiations; and

WHEREAS, based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Union Pacific Railroad Company
Property Location:	Tax Parcel No. 040/06647-002-001
Property Interest(s) to be Acquired:	Partial Fee Acquisition
Suggested Fair Market Value:	\$96,200 (Plus Closing Costs)

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.

If the property owner agrees 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

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settlement amount, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out this transaction 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 this transaction 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. 08-407)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

2008-09 CIP, Street Improvements, I-235 Storm and Sanitary Sewer Improvements, STR197, Page 21.

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk