



Roll Call Number

08-1175

Agenda Item Number

16

Date July 14, 2008

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF ADDITIONAL
RIGHT-OF-WAY FOR THE WIDENING OF 34TH STREET AS PART OF THE
INGERSOLL RUN STORM SEWER – 34TH STREET TO 35TH STREET PROJECT
BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on February 25, 2008, by Roll Call No. 08-284, the City Council of the City of Des Moines, Iowa, ordered construction of the Ingersoll Run Storm Sewer – 34th Street to 35th Street Project; and

WHEREAS, on March 24, 2008, by Roll Call No. 08-527, the City Council of the City of Des Moines, Iowa, approved plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, CEO/Vice President), \$588,000; and

WHEREAS, the City's Engineering Department has determined the right-of-way limits necessary to acquire the Ingersoll Run Storm Sewer – 34th Street to 35th Street Project; and

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

WHEREAS, after the design is completed and right-of-way 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 the acquisitions.

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 Ingersoll Run Storm Sewer – 34th Street to 35th Street 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

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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.

(COUNCIL COMMUNICATION NO. 08 - 406)

Moved by Mahaffey to adopt.

Funding source: 2008-09 CIP, 50% Sanitary Sewer Improvements, City-Wide Sanitary Sewers, SAE054, Page - Sanitary Sewer Improvements 5, and 50% Storm Water Improvements, City-Wide Storm Water Utility Projects, STE057, Page - Storm Water Improvements 4.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

BN

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

MOTION CARRIED APPROVED
T. M. Franklin Mayor

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.

Diane Rauh City Clerk