

★ Roll Call Number

09-011

Agenda Item Number

9

Date January 5, 2009

**AUTHORIZATION TO ACQUIRE NECESSARY RIGHT-OF-WAY FOR THE  
SOUTHEAST 14<sup>TH</sup> STREET AND EAST INDIANOLA AVENUE INTERSECTION  
IMPROVEMENT PROJECT BY GIFT, NEGOTIATION, OR CONDEMNATION**

**WHEREAS**, on August 25, 2008 by Roll Call No. 08-1487, the City Council of the City of Des Moines approved and authorized the execution of the Iowa Department of Transportation Agreement for the Southeast 14<sup>th</sup> Street and East Indianola Avenue Intersection Improvement 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 Southeast 14<sup>th</sup> Street and East Indianola Avenue Intersection Improvement 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.

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(COUNCIL COMMUNICATION NO. 09- 003 )

Moved by Vlassis to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

BSW

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk