

★ Roll Call Number  
09-080

Agenda Item Number  
20

Date January 26, 2009

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**RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR MULTIPLE PROPERTIES  
FOR THE EAST INDIANOLA AVENUE WIDENING PROJECT – PHASE I**

**WHEREAS**, on December 17, 2007, by Roll Call Nos. 07-2416, 07-2417 and 07-2418, 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 21, 2008, the City 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 appraiser, and the appraisals are being reviewed by the Iowa Department of Transportation; and

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

Titleholder:	Casey's Marketing Company
Property Location:	3527 Indianola Avenue, Des Moines, Iowa 50320
Property Interests to be Acquired:	Partial Fee Acquisition, Permanent Easement for Utility Corridor and Temporary Easement for Construction
Suggested Fair Market Value:	\$80,900 (Plus Closing Costs)

Titleholder:	Gateway Van Buren, Inc.
Property Location:	3221 SE 14 <sup>th</sup> Street, Des Moines, Iowa 50320
Property Interest to be Acquired:	Partial Fee Acquisition, Permanent Easement for Utility Corridor and Temporary Easement for Construction
Suggested Fair Market Value:	\$123,500 (Plus Closing Costs)

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

That the valuations listed and identified above as "Suggested Fair Market Value" are hereby established as the fair market values of the properties listed herein.

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

That the properties 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.

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If the property owners agree to convey the properties 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. 09- 042)

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	✓			
MEYER	✓			
VLASSIS	✓			
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