

★ Roll Call Number
09-269

Agenda Item Number
15

Date February 23, 2009

Page 1

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY LOCATED AT
5833 PLEASANT DRIVE FOR THE WAVELAND TRAIL PROJECT – PHASE I**

WHEREAS, on March 24, 2008, by Roll Call 08-531, the City Council of the City of Des Moines approved the trail alignment for the Waveland Trail Project – Phase I; and

WHEREAS, on January 26, 2009, by Roll Call No. 09-136, 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, after due and timely notice of said resolution was sent to property owners in accordance with the requirements of Iowa Code Section 6B.2D; and

WHEREAS, the following property has been appraised by an independent appraisal firm and based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Michael and Nadine Kastner
Property Location:	5833 Pleasant Drive, Des Moines, IA 50312
Property Interests to be Acquired:	Partial Fee Acquisition and Temporary Construction Slope Easement
Suggested Fair Market Value:	\$30,000 (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 interests listed herein.

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

That the property interests 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 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.

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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- *110*)

Moved by *Hensley* to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

BSN

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