



Roll Call Number

09-613

Agenda Item Number

10 A

Date *April 20, 2009*

AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE ARMY POST WIDENING PROJECT – SE 5TH STREET TO SW 9TH STREET BY GIFT, NEGOTIATION, OR EMINENT DOMAIN

WHEREAS, on July 24, 2006, by Roll Call No. 06-1472, the City Council of the City of Des Moines approved the submittal of applications to the Iowa Department of Transportation for Traffic Safety Funds to cover a portion of the costs for the Army Post Road Widening Project - South Union Street to SW 9th Street; and

WHEREAS, on October 23, 2006, by Roll Call No. 06-2064, the City Council of the City of Des Moines approved and authorized the execution of the Iowa Department of Transportation Agreement for the East Army Post Road Widening Project – South Union Street to SE 5th Street; and

WHEREAS, on September 24, 2007, by Roll Call No. 07-1818, the City Council of the City of Des Moines approved and authorized the execution of the Iowa Department of Transportation Agreement for the Army Post Road widening from South Union Street to SW 9th Street; 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 of Des Moines Real Estate Division 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 Army Post Widening Project – SE 5th Street to SW 9th Street, 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 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 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

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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.

(Council Communication No. 09- 242)

Moved by Vlassis to adopt.

Funding Source: 2009-2010 CIP, Page Street Improvements - 4, Army Post Widening - SE 5th to SW 9th, STR229.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

REN

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