



Roll Call Number

09.1285

Agenda Item Number

73

Date July 13, 2009

**APPROVAL OF 28E AGREEMENT BETWEEN THE DES MOINES AREA REGIONAL TRANSIT AUTHORITY (DART) AND THE CITY OF DES MOINES FOR REAL ESTATE SERVICES FOR THE DART TRANSIT HUB RELOCATION**

**WHEREAS**, the Des Moines Area Regional Transit Authority (DART) plans to relocate an administrative building and its transit hub, currently located on Walnut Street between 4<sup>th</sup> Street and 7<sup>th</sup> Street, to real property located in the vicinity of 6<sup>th</sup> Street between Cherry Street and Vine Street in downtown Des Moines ("Relocation Project"); and

**WHEREAS**, DART has entered into an agreement with the Federal Transit Authority (FTA) for funding of the Relocation Project, and has secured approximately sixty percent (60%) of the necessary land for the Project with remaining land owned by the City of Des Moines and by private entities; and

**WHEREAS**, DART has requested that the City of Des Moines act as agent for DART for property acquisition purposes associated with the Relocation Project, with the City's Real Estate Division of the Engineering Department providing acquisition and negotiation assistance on DART's behalf; and

**WHEREAS**, DART and City staff have negotiated and the DART Board of Directors has approved an Iowa Code Chapter 28E Agreement, now on file in the office of the City Clerk, for this agency relationship whereby the City will aid DART with the acquisition process for the Relocation Project, with all costs associated therewith including City staff time to be paid or compensated for by DART directly at no cost to the City; and whereby in the event that negotiations are not successful and DART's use of eminent domain is required, then the City Manager or Mayor is authorized to sign an amendment addressing whether and to what extent the City will participate in the condemnation process as agent for DART.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, that the Chapter 28E Agreement between the Des Moines Area Regional Transit Authority (DART) and the City of Des Moines is hereby approved, the Mayor is authorized and directed to sign the Agreement, and the City Clerk is authorized and directed to attest to his signature.

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BE IT FURTHER RESOLVED, that the Real Estate Division of the Engineering Department and other City staff are authorized and directed to work with DART for implementation of the terms of the 28E Agreement for acquisition of property for the Relocation Project.

(Council Communication No. 09-448)

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

Moved by Hensley to approve.

PJW

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 Council Mayor

Diane Rauh City Clerk