

★ Roll Call Number  
09-1538

Agenda Item Number  
15

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Date August 24, 2009

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE  
PROPERTIES FOR THE MERLE HAY ROAD AND URBAN DALE AVENUE  
INTERSECTION IMPROVEMENTS PROJECT**

**WHEREAS**, on March 23, 2009 by Roll Call No. 09-454, 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**, the following properties have been appraised by an independent appraisal firm, and the appraisals will be reviewed and approved by the Iowa Department of Transportation; and

**WHEREAS**, based upon the appraisals, the suggested fair market value of the properties is as follows:

Titleholder: Brian E. Ellingson  
Property Location: 2911 Merle Hay Road, Des Moines, IA 50310  
Property Interest(s) to Be Acquired: Partial Fee Acquisition, Temporary Easement for Construction and Tenant Leasehold Interest  
Suggested Fair Market Value \$36,451 plus closing costs and relocation assistance and \$3,000 for tenant leasehold interest.

Titleholder: D & D Interests, LLC  
Property Location: 3001 Merle Hay Road, Des Moines, IA 50310  
Property Interest(s) to Be Acquired: Partial Fee Acquisition and Temporary Easement for Construction  
Suggested Fair Market Value: \$91,499 plus closing costs and sign relocation

Titleholder: Richard B. Margulies  
Property Location: 3101 and 3107 Merle Hay Road, Des Moines, IA 50310  
Property Interest(s) to Be Acquired: Partial Fee Acquisition and Temporary Easement for Construction  
Suggested Fair Market Value: \$70,899 plus closing costs and sign relocation

**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 value of the properties listed herein.

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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.

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.

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(Council Communication No. 09 - 604)

Moved by Kiernan to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

*psw*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			
_____ 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.

\_\_\_\_\_ City Clerk