

★ Roll Call Number  
09-1741

Agenda Item Number  
14

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Date September 28, 2009

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF 5853 S.E. 14<sup>TH</sup> STREET  
FOR THE EAST DIEHL AVENUE TURN LANE AT S.E. 14<sup>TH</sup> STREET PROJECT**

**WHEREAS**, on August 10, 2009, by Roll Call No. 09-1436, 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 property has been appraised by an independent appraisal firm; and

**WHEREAS**, based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Antonia M. Mosqueda
Property Location:	5853 S.E. 14 <sup>th</sup> Street, Des Moines, IA 50320
Property Interests to Be Acquired:	Partial Fee Acquisition / Temporary Construction Easement
Suggested Fair Market Value:	\$27,100

**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 listed herein.

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

That the property 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 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 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.

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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 09- 689 )

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank  
 Assistant City Attorney

*rsn*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIES 7-0 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