

★ Roll Call Number
09-1843

Agenda Item Number
16

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Date October 12, 2009

**RESOLUTION ESTABLISHING REVISED FAIR MARKET VALUE OF
MULTIPLE PROPERTIES FOR THE MERLE HAY ROAD AND URBANDALE
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 the Merle Hay Road and Urbandale Avenue Intersection Improvement Project; and

WHEREAS, on July 13, 2009, by Roll Call No. 09-1209, the City Council of the City of Des Moines established fair market value of various properties this project, including property owned by Frank A. and Melba L. Scaglione; and

WHEREAS, on August 24, 2009, by Roll Call No. 09-1538, the City Council of the City of Des Moines established fair market value of various properties for this project, including properties owned by D & D Interests, LLC and Richard B. Margulies; and

WHEREAS, the following properties have been appraised by an independent appraisal firm, and as part of the review process by the Iowa Department of Transportation, the appraisals were revised; and

WHEREAS, based upon the revised appraisals, the suggested fair market values of the properties are as follows:

Titleholder: Frank A. and Melba L. Scaglione
Property Location: 3000 and 3030 Merle Hay Road, Des Moines, IA 50310
Property Interest(s) to Be Acquired: Partial Fee Acquisition, Permanent Easement for Utilities and Clear Zone and Temporary Easement for Construction
Suggested Fair Market Value \$40,875 plus closing costs and sign relocation

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: \$92,649 plus closing costs and sign relocation

Titleholder: Richard B. Margulies
Property Location: 3101 and 3107 Merle Hay Road, Des Moines, IA 50310



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Property Interest(s) to Be Acquired: Partial Fee Acquisition and Temporary Easement for Construction

Suggested Fair Market Value: \$54,999 plus closing costs and sign relocation

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: \$33,451 plus closing costs and relocation assistance and \$3,000 for tenant leasehold interest

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 revised fair market value of the properties listed herein.

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 revised 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.

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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 - 721)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

RW

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