

Date January 11, 2010

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY OWNED BY BURLINGTON NORTHERN SANTA FE RAILROAD FOR THE RIVERPOINT TRUNK SEWER SEPARATION AND PUMP STATIONS PROJECT

WHEREAS, on November 23, 2009, by Roll Call No. 09-2100, 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 values of the property interests to be acquired are as follows:

Titleholder:	Burlington Northern Santa Fe Railroad
Property Location:	Riverpoint West Area
Property Interests to Be Acquired:	Partial Fee Acquisition / Permanent Sanitary Sewer Easement / Temporary Construction Easement
Suggested Fair Market Value:	\$12,000

Titleholder:	Burlington Northern Santa Fe Railroad
Property Location:	Riverpoint West Area
Property Interest to Be Acquired:	Partial Fee Acquisition (South Remnant)
Suggested Fair Market Value	\$74,500

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 values of the property interests listed herein.

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

That the property interests 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 applicable.

If the property owner agrees to convey the property interests to the City in an amount based on the established fair market values, including an approved administrative settlement, or if a condemnation award is based on the established fair market values or falls within an approved settlement amount, the Finance Director is authorized and directed to issue checks in the amounts

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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.

(Council Communication 10- 009)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 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