

★ Roll Call Number

10-801

Agenda Item Number

17

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Date May 24, 2010

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY LOCATED AT 4801 SOUTH UNION STREET FOR THE MCKINLEY AVENUE WIDENING AT SOUTH UNION STREET PROJECT**

**WHEREAS**, on March 8, 2010, by Roll Call No. 10-347, 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 interest to be acquired is as follows:

Titleholder:	Lee M. Mitchell and Margaret V. Mitchell, Trustee under Lee M. Mitchell Trust Agreement, Lee M. Mitchell, Trustor, and Dick B. Mitchell
Property Location:	4801 South Union Street, Des Moines, IA 50315
Property Interests to Be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$14,300

**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 interest listed herein.

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

That the property interest 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 owners agree to convey the property interest 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 this transaction 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 this transaction in accordance with standard real estate practices and state law requirements.

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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- 285 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*BN*

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

MOTION CARRIES 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