

★ Roll Call Number

10-1641

Agenda Item Number

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Date October 11, 2010

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY LOCATED
AT 111 EAST GRAY STREET FOR THE CRAWFORD CREEK WATERSHED
IMPROVEMENTS – SE 6TH STREET / INDIANOLA AVENUE BOX CULVERT
REPLACEMENT PROJECT**

WHEREAS, on October 10, 2005, by Roll Call No. 05-2433, 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, in July of 2007, the City purchased a temporary construction easement and a 1,797 square foot permanent storm sewer easement on the property located at 111 East Gray Street; and

WHEREAS, in order to allow for construction of inlet modifications to a box culvert, an additional 18,585 square foot permanent easement is required on this property; and

WHEREAS, the additional permanent easement area required for this project has been appraised by an independent appraisal firm and based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Marijo T. Scavo
Property Location:	111 East Gray Street, Des Moines, IA 50315-1737
Property Interest(s) to Be Acquired:	Permanent Easement for Storm Sewer
Suggested Fair Market Value:	\$17,000 (plus closing costs)

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 owner agrees 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

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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 No. 10-604)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

PSW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7).

MOTION CARRIED 7 APPROVED
T.M. Franklin Council 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