

★ Roll Call Number

10-1833

Agenda Item Number

18

East Indianola Avenue Widening – Phase 2

Date November 8, 2010

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY  
LOCATED AT 4301 INDIANOLA AVENUE FOR THE EAST INDIANOLA AVENUE  
WIDENING PROJECT – PHASE 2**

**WHEREAS**, on October 8, 2007, by Roll Call No. 07-1994, the City Council of the City of Des Moines approved the East Indianola Avenue Corridor Study; and

**WHEREAS**, on December 17, 2007, by Roll Call No. 07-2416, City Council authorized acquisition of the necessary property interests for the East Indianola Avenue Widening Project; and

**WHEREAS**, on March 10, 2008, by Roll Call No. 08-435, the City Council approved the design concept for bicycle and pedestrian accommodation on the East Indianola Avenue Widening Project – S.E. 14<sup>th</sup> Street to Army Post Road; and

**WHEREAS**, on June 28, 2010 by Roll Call No. 10-1021, the City Council approved and authorized the execution of Iowa Department of Transportation agreement 1-10-STPU-010 for the East Indianola Avenue Widening Project – Phase 2; and,

**WHEREAS**, the following property has been appraised by an independent appraisal firm, and the appraisal will be reviewed and approved by the Iowa Department of Transportation; and

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

Titleholder:	ARC IV SPE
Property Location:	4031 Indianola Avenue
Property Interest(s) to be Acquired:	Temporary Easement and Fee - Simple Interest (Partial)
Suggested Fair Market Value:	\$43,316

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. 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.
2. 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.

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3. 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.
4. 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.
5. 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.
6. 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.

(Council Communication No. 10-668)

Moved by Hensley to adopt.

APPROVED AS TO FORM: Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

*RSW*

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

*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