

★ Roll Call Number  
10-2064

Agenda Item Number  
15

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Date December 20, 2010

**RESOLUTION ESTABLISHING FAIR MARKET VALUE FOR MULTIPLE  
PROPERTIES FOR THE SOUTHEAST CONNECTOR PROJECT – SE 9<sup>TH</sup>  
STREET TO SE 15<sup>TH</sup> STREET**

**WHEREAS**, on April 25, 2005, by Roll Call No. 05-969, 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 SE Connector Project – SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street; and

**WHEREAS**, on October 25, 2010, by Roll Call No. 10-1786, 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 SE Connector Project – SE 14<sup>th</sup> Street to SE 30<sup>th</sup> Street; and

**WHEREAS**, on August 12, 2010, the City Engineering Department received authorization from the Iowa Department of Transportation to commence acquisition of all necessary property interests for this project; and

**WHEREAS**, the following properties have been appraised and the appraisals have been reviewed and approved by independent appraisers; and

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

Titleholder:	Robert F. Etzel
Property Location:	1101 Raccoon Street, Des Moines, IA 50309
Property Interest to Be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$105,000 (Plus Closing Costs and Relocation Expenses)

Titleholder:	Union Pacific Railroad
Property Location:	Abandoned railroad parcels between SE 10 <sup>th</sup> Street and SE 15 <sup>th</sup> Street
Property Interest to Be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$67,000 (Plus Closing Costs)

Titleholder:	Burlington Northern Santa Fe Railroad
Property Location:	Excess railroad right-of-way between SE 12 <sup>th</sup> Street and SE 15 <sup>th</sup> Street
Property Interest to Be Acquired:	Partial Fee Acquisition
Suggested Fair Market Value:	\$159,000 (Plus Closing Costs)

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Titleholder:	Carbondale Investment Company
Property Location:	Vacant land between SE 14 <sup>th</sup> Street and SE 15 <sup>th</sup> Street
Property Interest to Be Acquired:	Total Fee Acquisition
Suggested Fair Market Value:	\$55,000 (Plus Closing Costs)

**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 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 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.

That the Real Estate Division Manager is hereby authorized and directed to execute Maintain Vacancy Agreements and Rental Agreements, if necessary.

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(Council Communication No. 10- 747 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

RAW

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