

★ Roll Call Number
11-0017

Agenda Item Number
12

Date January 10, 2011

Project Name: Page 1

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY OWNED BY
DES MOINES AREA REGIONAL TRANSIT AUTHORITY (DART) 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 the Riverpoint Trunk Sewer Separation and Pump Stations Project; and

WHEREAS, the following property has been appraised and the appraisal reviewed by independent appraisal firms; and

WHEREAS, based upon the appraisal, the suggested fair market value of the property interests to be acquired is as follows:

Titleholder:	Des Moines Area Regional Transit Authority (DART)
Property Location:	Riverpoint West Area
Property Interest(s) to Be Acquired:	Partial Fee Acquisition / Permanent Sanitary Sewer Easement / Temporary Construction Easement
Suggested Fair Market Value:	\$55,500

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 interests 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.

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 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.

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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.

(Council Communication No. 11-025)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

PSW

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