



Roll Call Number

11-1438

Agenda Item Number

15

Date August 29, 2011

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY  
RIGHT-OF-WAY AND EASEMENTS FOR THE EASTER LAKE DRIVE BRIDGE  
REHABILITATION PROJECT BY GIFT OR NEGOTIATION**

**WHEREAS**, on July 13, 2009, by Roll Call No. 09-1190, the City Council approved and authorized the Professional Services Agreement between the City of Des Moines and Calhoun-Burns and Associates, Inc., Michael Vander Wert, President, 1500 30<sup>th</sup> Street, West Des Moines, Iowa, 50266, for professional services for the Easter Lake Drive Over Easter Lake Bridge Rehabilitation (a/k/a Easter Lake Drive Bridge Rehabilitation Project), for a total cost not to exceed \$103,550; and

**WHEREAS**, on May 10, 2010, by Roll Call No. 10-699, the City Council approved and authorized the execution of Iowa Department of Transportation (IDOT) Agreement for Easter Lake Drive Over a Branch of Easter Lake Rehabilitation; and

**WHEREAS**, the City's Real Estate Division of the Engineering Department will acquire the necessary right-of-way for this project; and

**WHEREAS**, after the design is completed and right-of-way needs are determined, the proposed Fair Market Value of the property interests to be acquired will be submitted to the City Council or the City Manager, as applicable, for approval and authorization to proceed with the acquisitions.

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

1. That the City Manager be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift or negotiation, the necessary property interests for construction of the Easter Lake Drive Bridge Rehabilitation Project, subject to approval by this Council, or approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, Iowa, as appropriate.
2. 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 assistance is hereby authorized.
3. That the Fair Market Value of these parcels will be approved in accordance with established City policy. 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, 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



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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.

4. 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.

5. 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.

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

(Council Communication No. 11-546)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

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

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk