

★ Roll Call Number
11-1868

Agenda Item Number
21-I

Date November 7, 2011

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF VARIOUS PROPERTIES FOR THE GRAND AVENUE OVER WALNUT CREEK BRIDGE REPLACEMENT PROJECT

WHEREAS, on August 8, 2011, by Roll Call No. 11-1363, 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 Grand Avenue over Walnut Creek Bridge Replacement Project; and

WHEREAS, the following properties have been appraised and the appraisals are being reviewed by independent appraisal firms; and

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

Titleholder: AA Des Moines, LLC
Property Location: 6222 Grand Avenue, Des Moines, IA 50312
Property Interests to Be Acquired: Partial Fee Acquisition / Permanent Easement for Water Main / Temporary Easement for Construction
Suggested Fair Market Value: \$21,800 plus closing costs, allocated as follows:
Landlord Interest (AA Des Moines, LLC) \$16,800
Tenant Interest (Advanced Auto Parts) \$5,000

Titleholder: Clear Channel Outdoor, Inc.
Property Location: 6200 Block of Grand Avenue, Des Moines, IA 50312
Property Interests to Be Acquired: Two Partial Fee Acquisitions / Permanent Easement for Recreational Trail / Temporary Easement for Grading and Retaining Wall
Suggested Fair Market Value: \$14,900 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 property interests listed herein.

That the Real Estate Division of the Engineering Department is authorized and directed to acquire the property interests through gift, negotiation or condemnation based upon the approved fair market values.

That the property interests 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 property interests 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



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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.

Council Communication No. 11- 672)

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<i>T. M. Franklin</i>		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