



**Roll Call Number**

11-2046

**Agenda Item Number**

14

**Date** December 5, 2011

**RESOLUTION ESTABLISHING REVISED FAIR MARKET VALUE OF PROPERTY OWNED BY MM & A DES MOINES, LLC 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**, on November 7, 2011, by Roll Call No. 11-1868, the City Council of the City of Des Moines established fair market value of various properties for this project, including property owned by MM & A Des Moines, LLC (previously owned by AA Des Moines, LLC at the time of the original appraisal); and

**WHEREAS**, the following property has been appraised and reviewed by independent appraisal firms, and as part of the review process, the appraisal was revised; and

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

Titleholder:	MM & A Des Moines, LLC (previously owned by AA Des Moines, LLC at the time of the original appraisal)
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 (MM & A Des Moines, LLC) \$12,650 Tenant Interest (Advanced Auto Parts) \$9,150

**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, as revised from the prior appraisal and Roll Call No. 11-1868.

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 value listed above.

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.

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If the property owner agrees 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 Finance Director is authorized and directed to issue checks in the amounts necessary to carry out this transaction 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 this transaction 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- 732 )

Moved by Maahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney  
 RW

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

**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.

MOTION CARRIED 7 APPROVED  
T. M. Franklin Mayor

Diane Rauh City Clerk