

★ Roll Call Number

11-2117

Agenda Item Number

19

Date ..... December 19, 2011.....

**APPROVING AND AUTHORIZING EXECUTION OF GRANT AGREEMENTS, APPROVING HMGP ADMINISTRATIVE PLAN, AND AUTHORIZING VOLUNTARY ACQUISITION OF PROPERTY FOR THE FEMA 2010 FLOOD MITIGATION BUYOUT PROJECT**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) provides grants to State and local governments to implement long-term hazard mitigation measures after a Presidential disaster has been declared in order to implement measures during the recovery phase of a disaster to prevent additional damages in future disasters, which federal grants are administered by the Iowa Homeland Security and Emergency Management Division (IHSEMD); and

**WHEREAS**, on July 29, 2010, there was a Presidential declaration of a major disaster for the State of Iowa; and

**WHEREAS**, the flood events of August 2010 caused substantial damage to numerous properties throughout the City of Des Moines including the Four Mile Creek, Walnut Creek and Leetown Creek areas; and

**WHEREAS**, on August 16, 2010, Polk County was added to the federal disaster declaration under Disaster Number 1930; and

**WHEREAS**, on October 28, 2010, the City of Des Moines submitted a Notice of Interest (NOI) to the IHSEMD in order to be eligible for consideration to apply for HMGP funds for the 2010 flood events ("FEMA 2010 Flood Mitigation Buyout Project"); and

**WHEREAS**, on October 29, 2010, the City of Des Moines received a formal invitation to complete and submit an HMGP application; and

**WHEREAS**, on February 14, 2011, by Roll Call No. 11-0185, City Council authorized and directed City staff to submit the HMGP application; and

**WHEREAS**, on July 1, 2011, IHSEMD notified the City that the HMGP application had been submitted to FEMA for final review and approval; and

**WHEREAS**, the City's HMGP Grant and FEMA 2010 Flood Mitigation Buyout Project will be funded as follows: 75% Federal Funds and 25% State Funds (10% State Match plus 15% Local Match combined using CDBG dollars), with State Funds being administered by the Iowa Economic Development Authority (IEDA); and

**WHEREAS**, the federal and State HMGP Grant Agreements must be approved and authorized by and between the City and FEMA and the City and IEDA, respectively, before federal or State grant funds are available; and

**WHEREAS**, an Administrative Plan for the Project must be submitted to FEMA for approval before the City is eligible for project reimbursement with grant funds.

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

1. Following review and approval of form by the City Real Estate Division Manager and Legal Department, the Mayor and/or City Manager, as applicable, are authorized and directed to execute the Project Grant Agreements with Iowa Homeland Security and Emergency Management Division (IHSEMD) for the federal HMGP funding, and with Iowa Economic Development Authority (IEDA) for the State and Local match funding.

2. Following review and approval of form by the City Real Estate Division Manager and Legal Department, the Mayor and/or City Manager, as applicable, are authorized and directed to execute any additional documents or certifications related to said grant agreements, and any minor and unsubstantial amendments to said agreements related to

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allocation of additional funds or reallocation of funds in the program budgets, with all major amendments to the grant agreements being sent first to Council for approval.

3. The Administrative Plan for the FEMA 2010 Flood Mitigation Buyout Project, described above and on file with the City's Real Estate Division Manager, is hereby approved.
4. That the voluntary acquisition of eligible properties, and relocation associated with said acquisition, all in accordance with the guidelines of HMGP Grant Agreements and Administrative Plan, is hereby approved and authorized, and the Real Estate Division of the Engineering Department is authorized and directed to acquire the eligible properties through voluntary negotiations.
5. If the eligible property owners agree to convey the property to the City in accordance with the Administrative Plan, 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.
6. That the Real Estate Division Manager is authorized to approve administrative settlements in accordance with the appeals process under the Administrative Plan and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
7. 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.
8. The Mayor is authorized and directed to execute the Offers to Purchase, Warranty Deeds, Model Deed Restrictions and other documents associated with the acquisitions, and the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above the approval and acceptance of this Council and 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-~~758~~)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

PTW

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk