



Roll Call Number

15-0096

Agenda Item Number

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Date January 26, 2015

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF PROPERTY OWNED BY LEMAR KOETHE AT THE NORTHEAST CORNER OF INDIANOLA AVENUE AND EAST ARMY POST ROAD FOR THE INDIANOLA AVENUE WIDENING PROJECT – PHASE IV

WHEREAS, on December 17, 2007, by Roll Call No. 07-2416, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or eminent domain, of the right-of-way and easements required for the Indianola Avenue Widening Project; and

WHEREAS, the following property has been appraised and the appraisal is being reviewed and approved by independent appraisers; and

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

Titleholder:	Lemar Koethe
Property Location:	NE Corner of Indianola Avenue and East Army Post Road Des Moines, IA 50320
Property Interest to Be Acquired:	Partial Fee Acquisition and Temporary Construction Easement
Fair Market Value:	\$16,233 (plus closing costs)

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 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.

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 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.

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

That the property interests acquired as part of this Project for use as City right-of-way and/or public sidewalks are hereby dedicated as such, except for land to be determined excess by the City Engineer, with dedication effective upon acquisition and/or closing by gift, negotiation or eminent domain.

(Council Communication No. 15- 031)

Moved by Hensley to adopt.

APPROVED AS TO FORM

Cori Kuhn Coleman, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Council 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