

★ Roll Call Number

15-0376

Agenda Item Number

18

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Date March 9, 2015

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY
TEMPORARY ACCESS EASEMENTS FOR SURVEY, GEOTECHNICAL AND
ENVIRONMENTAL AUDITS FOR THE SOUTHEAST CONNECTOR – SE 30TH STREET
TO U.S. HIGHWAY 65 PROJECT BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on September 8, 2014, by Roll Call No. 14-1351, the City Council approved a Professional Services Agreement between the City of Des Moines and Kirkham Michael & Associates for professional services in connection with the design of the SE Connector from SE 30th Street to U.S. Highway 65.

WHEREAS, the City's Engineering Department has determined that it is necessary to acquire temporary access easements for survey, geotechnical and environmental audits in connection with this project; and

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 purchase, gift, or condemnation the necessary access easements for survey, geotechnical and environmental audits for the SE Connector – SE 30th Street to U.S. Highway 65 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 easements 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.
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 easements 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.
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.

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- 5. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents for this Project 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.

(Council Communication No. 15-108)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman
Assistant City Attorney

rsu

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