

★ Roll Call Number  
15-1898

Agenda Item Number  
47c

Date November 9, 2015

### AUTHORIZATION FOR RIGHT OF WAY

WHEREAS, the Engineering Department has determined that it is necessary to acquire right-of-way and easements in connection with the construction of sidewalk improvements further described as:

- SE 14<sup>th</sup> Street sidewalk construction at various locations from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01;
- X Garfield Avenue sidewalk construction from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street, Activity ID 09-2015-003, Schedule No. 2015-02

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 right-of-way and easements for construction of said improvements, 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 property 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 property 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.
5. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents associated with acquisitions for this Project, the approval and acceptance of this Council; the Mayor is authorized and directed to sign all necessary real estate

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documents associated with acquisitions for this Project; 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 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.

Moved by Gatto to adopt as amended, to abandon the sidewalk project on Garfield.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*psl*

Funding:

- S.E. 14th Street from Indianola Avenue to Army Post Road: 2015-2016 CIP, Page Street-32, Sidewalks School and Priority Routes, SW081, being \$37,250 from Special Assessment against benefited property owners, and \$87,750 in G.O. Bonds.
- Garfield Avenue from E. 32nd Street to E. 33rd Street: 2015-2016 CIP, Page Street-32, Sidewalks – School and Priority Routes, SW081, being \$16,007.09 from Special Assessment against benefited property owners, and \$38,992.91 in G.O. Bonds.

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

MOTION CARRIED

APPROVED

T. M. Franklin 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