



Roll Call Number

16.1110

Agenda Item Number

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Date July 11, 2016

RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE PROPERTIES FOR THE MCKINLEY AVENUE WIDENING PROJECT – SE 9TH STREET TO SE 14TH STREET

WHEREAS, on February 22, 2016, by Roll Call No. 16-0264, the City Council of the City of Des Moines, Iowa authorized the acquisition, by gift, negotiation, or eminent domain, of the right-of-way and easements required for the McKinley Avenue Widening Project – SE 9th Street to SE 14th Street; and

WHEREAS, portions of the following properties are needed for said project and have been appraised by an independent appraiser; and

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

Titleholder:	Michele Rothe Kahn, Trustee of the Michele Rothe Kahn 2003 Revocable Trust dated April 9, 2003
Property Location:	4800 SE 14 th Street, Des Moines, IA 50320
Property Interest to Be Acquired:	Partial Fee Acquisition and Temporary Easement for Construction and Construction-Related Activities
Fair Market Value:	\$12,900 (plus closing costs)
Tenant:	Fazoli's Restaurants, LLC
Fair Market Value:	\$49,400 (plus closing costs)

Titleholder:	WC MRP Des Moines Center, LLC
Property Location:	1301 East McKinley Avenue, Des Moines, IA 50315
Property Interest to Be Acquired:	Temporary Easement for Construction and Construction-Related Activities
Fair Market Value:	\$16,800 (plus closing costs)

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

1. That the valuations listed and identified above as "Suggested Fair Market Value" are hereby established as the fair market values of the property interests listed herein.
2. That the Real Estate Division of the Engineering Department is authorized and directed to acquire said property interests through gift, negotiation or condemnation based upon the approved fair market values listed above.
3. 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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4. If the property owner agrees to convey said 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.
5. 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.
6. 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.

(Council Communication No. 16-370)

Moved by Hensley to adopt.

APPROVED AS TO FORM

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
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
T. M. Franklin Mayor

Diane Rauh City Clerk