

★ **Roll Call Number**  
17-0659

**Agenda Item Number**  
13

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**Date** April 17, 2017

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE  
PROPERTIES FOR THE EAST 42<sup>ND</sup> STREET AND HUBBELL AVENUE INTERSECTION  
IMPROVEMENTS PROJECT**

**WHEREAS**, on April 11, 2016, by Roll Call No. 16-0558, the City Council of the City of Des Moines, Iowa authorized the acquisition, by gift, negotiation, or eminent domain, of the necessary property interests required for the East 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements Project; and

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

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

Titleholder: Dipak S. Patel and Surekhaben D. Patel  
Property Location: 4144 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Permanent Easement for Street Right-of-Way, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities  
Fair Market Value: \$31,400 (plus sign relocation and closing costs)

Titleholder: David Porter, Trustee of the David A. Porter Family Trust dated the 11<sup>th</sup> day of December 2009  
Property Location: 4203, 4207 and 4211 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Permanent Easement for Street Right-of-Way, Access Rights Deed, Permanent Easement for Utility Corridor and Temporary Easement for Construction and Construction-Related Activities  
Fair Market Value: \$25,300 (plus closing costs)

Titleholder: Kum & Go, L.C.  
Property Location: 4200 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Total Fee Acquisition  
Fair Market Value: \$540,000 (plus relocation and 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.

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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.
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. 17-373)

Moved by Moore to adopt; refer to the City Manager for review and recommendation regarding keeping a convenience store in this area.

APPROVED AS TO FORM

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

*PRW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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