



**Roll Call Number**

17-1458

**Agenda Item Number**

14 ✓

**Date** August 28, 2017

**AUTHORIZATION FOR THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY TO PROCEED WITH ACQUISITION OF ADDITIONAL STREET RIGHT-OF-WAY IN THE CITY'S NAME AS PART OF THE WRA EASTSIDE INTERCEPTOR – PHASE 27, SEGMENT 3 PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN AND ACCEPTANCE OF ASSOCIATED REAL ESTATE DOCUMENTS**

**WHEREAS**, on January 17, 2017, by WRA Board Resolution No. 17-11, the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) Board authorized acquisition of the necessary property interests for the WRA Eastside Interceptor – Phase 27, Segment 3 Project (“Project”) by gift, negotiation or eminent domain; and

**WHEREAS**, as part of the Project, the WRA will need to acquire additional City right-of-way to allow for the replacement of existing sidewalks that need to be brought up to code through the installation of curb ramps and other American with Disability Act improvements; and

**WHEREAS**, the WRA, acting by and through its Operating Contractor, the City of Des Moines, will acquire the necessary additional right-of-way for this project in the City’s name and the WRA will pay for all associated acquisition costs; and

**WHEREAS**, after the design is completed and property interest needs are determined, the proposed Fair Market Value of the property interests to be acquired will be submitted to the WRA Board or the WRA Director, as applicable, for approval and authorization to proceed with acquisitions.

**WHEREAS**, the permanent property interests to be acquired for this project will be used as City right-of-way following acquisition thereof, except for land determined to be excess by the City Engineer.

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

1. That the Des Moines Metropolitan Wastewater Reclamation Authority be and is hereby authorized to proceed with the necessary activities and negotiations to acquire additional street right-of-way in the City’s name by gift, negotiation, or condemnation as required for construction of the WRA Eastside Interceptor – Phase 27, Segment 3 Project.

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 the WRA is hereby authorized to offer relocation assistance as applicable.



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- 3. That the Fair Market Value of the necessary property interests will be approved in accordance with established WRA policy. If the property owners agree 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 WRA is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs, and the WRA is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
- 4. That the WRA 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 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.
- 6. That the permanent property interests acquired as part of this Project for use as City right-of-way are hereby dedicated as such, except for land determined to be excess by the City Engineer, with dedication effective upon acquisition and/or closing by gift, negotiation or eminent domain.
- 7. The WRA shall pay all costs associated with the acquisition of all property interests for the Project.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

*Lisa A. Wieland*

Lisa A. Wieland, Assistant City Attorney

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

*Diane Rauh*

City Clerk

MOTION CARRIED APPROVED  
*T. M. Franklin* Mayor