



**Roll Call Number**

17-2133

**Agenda Item Number**

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**Date** December 18, 2017

**RESOLUTION ESTABLISHING FAIR MARKET VALUE OF MULTIPLE  
PROPERTIES FOR THE HUBBELL AVENUE IMPROVEMENTS – EAST 33<sup>RD</sup> STREET  
TO EAST 38<sup>TH</sup> STREET PROJECT**

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0859, 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 Hubbell Avenue Improvements – East 33<sup>rd</sup> Street to East 38<sup>th</sup> Street Project; and

**WHEREAS**, the following property interests needed for said project have been appraised and the appraisals reviewed 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: Kam Collins  
Property Location: 3703 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities  
Suggested Fair Market Value: \$83,200.00 (plus relocation and closing costs)

Titleholder: Frances E. Collins a/k/a Fran Collins  
Property Location: 3725 and 3709 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  
Suggested Fair Market Value: \$39,600.00 (plus sign relocation and closing costs)

Titleholder: Don E. Ellingson and Shirley A. Ellingson (Contract Sellers)  
Apartments by Ellingson, LLC (Contract Buyer)  
Property Location: 3909 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed  
Suggested Fair Market Value: \$10,200.00 (plus closing costs)

Titleholder: Iowa State Bank  
Property Location: 3818 Hubbell Avenue, Des Moines, IA 50317  
Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities  
Suggested Fair Market Value: \$26,100.00 (plus closing costs)



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Titleholder: Martin J. Ermels  
 Property Location: 3790 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Total Fee Acquisition  
 Suggested Fair Market Value: \$38,000.00 (plus relocation and closing costs)

Titleholder: Carlos Calderon  
 Property Location: 3770 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Total Fee Acquisition  
 Suggested Fair Market Value: \$133,000.00 (plus relocation and closing costs)

Titleholder: 2KEY, L.L.C.  
 Property Location: 3764 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities  
 Suggested Fair Market Value: \$14,200.00 (plus sign relocation and closing costs)

Titleholder: Hilltop Senior Limited Partnership  
 Property Location: 3720 E. Douglas Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed, Permanent Easement for Public Ingress and Egress and Temporary Easement for Construction and Construction-Related Activities  
 Suggested Fair Market Value: \$34,200.00 (plus sign relocation and closing costs)

Titleholder: Git-N-Go Convenience Stores, Inc.  
 Property Location: 3735 and 3765 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed and Permanent Easement Storm Sewer and Surface Water Flowage  
 Suggested Fair Market Value: \$225,000.00 (plus relocation and closing costs)

Titleholder: Marshal, LLC  
 Property Location: 3804 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Permanent Easement for Street Right-of-Way, Permanent Easement for Storm Sewer and Surface Water Flowage, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities  
 Suggested Fair Market Value: \$75,000.00 (plus sign relocation and closing costs)

Titleholder: Grandview Plaza II, L.L.C.  
 Property Location: 3700 Hubbell Avenue, Des Moines, IA 50317  
 Property Interest to Be Acquired: Partial Fee Acquisition, Access Rights Deed and Temporary Easement for Construction and Construction-Related Activities



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Suggested Fair Market Value: \$35,700.00 (plus closing costs)  
 Tenant: QuikTrip Corporation  
 Suggested Fair Market Value: \$34,900.00 (plus sign 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.
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 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- 858 )

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Moved by Hensley to adopt.

APPROVED AS TO FORM

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

*RM*

| 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