



Roll Call Number

18-0076

Agenda Item Number

51

Date January 8, 2018

APPROVING REVISED CITY COUNCIL POLICY REGARDING THE APPRAISAL OF PROPERTY AND APPRAISAL WAIVER PROCEDURE TO ESTABLISH FAIR MARKET VALUE FOR THE ACQUISITION OF PROPERTY OR PROPERTY INTERESTS FOR PUBLIC PROJECTS UNDER IOWA CODE CHAPTER 6B

WHEREAS, Section 6B.54(2) of the Iowa Code provides that an acquiring agency may prescribe a procedure to waive the requirement for an appraisal "in cases involving the acquisition of property with a low fair market value"; and

WHEREAS, on September 13, 1999, by Roll Call No. 99-2888, the City Council of the City of Des Moines, Iowa approved a policy waiving the requirement for an appraisal when the estimated fair market value of a property or property interests does not exceed \$10,000; and

WHEREAS, said City Council policy also approved a procedure for the City Manager to establish fair market values for property or property interests with a value of \$10,000 or less; and

WHEREAS, on November 27, 2017, the Iowa Department of Transportation (IDOT) revised their policy for the valuation of property or property interests with a low fair market value under Instructional Memorandum No. 3.605; and

WHEREAS, under its revised policy, the IDOT has increased the limit to waive an appraisal from \$10,000 to \$25,000, allowing for the preparation of a "compensation estimate" (waiver valuation) when the estimated fair market value of property or property interests to be acquired does not exceed \$25,000; and

WHEREAS, it would be in the best interests of the City of Des Moines to adopt a revised policy similar to that adopted by the IDOT, allowing the use of compensation estimates to determine the fair market value of property or property interests, rather than appraisals, in those circumstances where the value of the property or property interests are estimated not to exceed \$25,000; and

WHEREAS, it would also be in the best interests of the City of Des Moines to adopt a revised policy to increase the City Manager's limit to establish fair market values for property or property interests when the value is \$25,000 or less; and

WHEREAS, the Engineering Department and Legal Department have developed and are recommending City Council approval of a revised policy addressing all of the above issues, which policy is now on file in the office of the City Clerk and is entitled "City Council Policy regarding the appraisal of property and appraisal waiver procedure to establish fair market value for the acquisition of property or property interests for public projects under Iowa Code Chapter 6B".



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the revised City Council Policy, now on file in the office of the City Clerk and by this reference made a part hereof, be and is hereby approved.

AND BE IT FURTHER RESOLVED that the Engineering Department and the Legal Department be and they are hereby authorized and directed to implement the above referenced revised City Council Policy as to all future acquisitions of property or property interests for City of Des Moines projects.

AND BE IT FURTHER RESOLVED that the above referenced revised City Council Policy shall supersede and replace the City Council's prior policy entitled "City Council Policy regarding the appraisal of property and the establishment of just compensation for the acquisition of property or property interests in conjunction with public improvement, community development, and economic development projects, and regarding the release of appraisals, appraisal information, and compensation estimates, adopted September 13, 1999, by Roll Call No. 99-2888.

(Council Communication No. 18-024)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
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.

J. M. Franklin Council Mayor

Diane Rauh City Clerk