



**Roll Call Number**

18-0340

**Agenda Item Number**

11

**Date** March 8, 2018

**RESOLUTION ESTABLISHING REVISED FAIR MARKET VALUE FOR PROPERTY LOCATED AT 3735 AND 3765 HUBBELL AVENUE 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 (hereinafter “Project”); and

**WHEREAS**, on December 18, 2017, by Roll Call No. 17-2133, the City Council of the City of Des Moines, Iowa established fair market value of various properties for said Project, including property owned by Git-N-Go Convenience Stores, Inc., located at 3735 and 3765 Hubbell Avenue (“Property”); and

**WHEREAS**, due to an additional temporary easement for construction and construction-related activities that is needed on the Property for construction of the Project, the appraisal has been revised; and

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

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, Permanent Easement for Storm Sewer and Surface Water Flowage and Temporary Easement for Construction and Construction-Related Activities
Suggested Revised Fair Market Value:	\$230,000.00 (plus relocation and closing costs)

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

1. That the valuation listed and identified above as “Suggested Revised Fair Market Value” is hereby established as the fair market value 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 value 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.



Roll Call Number

180340

Agenda Item Number

11

Date March 8, 2018

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. 18- 114 )

Moved by Galto to adopt.

APPROVED AS TO FORM

Handwritten signature of Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

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.

Handwritten signature of T. McFranklin Cownie, Mayor

Handwritten signature of Diane Rauh, City Clerk