



Roll Call Number

19-1588

Agenda Item Number

18

Date October 14, 2019

AUTHORIZATION TO PROCEED WITH VOLUNTARY ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FOR THE CRAWFORD CREEK WATERSHED IMPROVEMENT PROJECT – CAULDER AVENUE, MILLER AVENUE, AND THORNTON AVENUE

WHEREAS, the City’s Public Works Department has determined that it is necessary to acquire various property interests in connection with the Crawford Creek Watershed Improvement Project – Caulder Ave, Miller Ave, and Thornton Ave (hereinafter “Project”); and

WHEREAS, the City’s Real Estate Division of the Engineering Department will acquire the necessary property interests for this Project; and

WHEREAS, after the design is completed and property needs are determined, the proposed Fair Market Value of the property interests to be acquired will be submitted to the City Council or the City Manager, as applicable, for approval and authorization to proceed with acquisitions; and

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

1. That the City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and negotiations for voluntary acquisition of the necessary property interests for construction of the Crawford Creek Watershed Improvement Project – Caulder Ave, Miller Ave, and Thornton Ave, subject to approval by this Council, or approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, Iowa, as applicable. The necessary activities and negotiations for voluntary acquisition of the necessary property interests shall specifically include Offers to Purchase, Right of First Refusal, and all associated documents.
2. That the property interests will be acquired on a voluntary basis only, and condemnation will not be used if voluntary agreements are not obtained from the affected property owners.
3. No relocation assistance will be offered as part of the voluntary purchase of the property interests to be acquired.
4. That the City Manager is authorized to approve all Fair Market Values for the property interests in accordance with established City policy.
5. That the Manager of the City Real Estate Division of the Engineering Department is authorized to provide all written notices associated with all Rights of First Refusal and Offers to Purchase.



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6. If the property owners voluntarily agree to convey the property to the City in an amount based on the established fair market value, including an approved administrative settlement, 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.

7. 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.

8. 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.

(Council Communication No. 19- 447)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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 Cownie Mayor

Laura Baumgartner Acting City Clerk