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Date January 22, 2007

**RESOLUTION ESTABLISHING FAIR MARKET VALUE AND AUTHORIZING
ACQUISITION OF PROPERTY FOR THE
I-235 DEANS LAKE STORM SEWER OUTLET PROJECT - PHASE II,
BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on September 24, 2001, by Roll Call No. 01-2846, the City Council of the City of Des Moines approved a Professional Services Agreement with Veenstra and Kimm, Inc., for design services for the Deans Lake Outlet Storm Sewer Project – Phase II; and,

WHEREAS, on November 22, 2004, by Roll Call No. 04-2515, the City Council of the City of Des Moines authorized the acquisition, by gift, negotiation, or condemnation, of the right-of-way required to construct this project; and,

WHEREAS, the storm sewer right-of-way requirements have now been determined by Veenstra and Kimm, Inc. and the following property was appraised by an independent appraisal firm, and the appraisal was reviewed by the City of Des Moines' Real Estate Division Appraiser; and,

WHEREAS, based upon the appraisal, the suggested fair market value of the property is as follows:

Titleholder:	Des Moines Feed Company
Property Location:	2006 Hubbell Avenue
Property Interests to be Acquired:	Permanent Easement for Storm Sewer and Temporary Easement for Construction
Suggested Fair Market Value:	\$10,600.00

Titleholder:	Union Pacific Railroad Company
Property Location:	West of E. 20 th Ct. from E. University Ave. to E. Walnut St. Tax ID Nos. 040/06574-001-000 and 040/06674-001-000
Property Interests to be Acquired:	Permanent Easement for Storm Sewer and Temporary Easement for Construction
Suggested Fair Market Value:	\$53,600.00

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

That the valuations listed and identified above as "Suggested Fair Market Value" are hereby established as the fair market values of the properties listed herein.

★ Roll Call Number

Agenda Item Number

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That the Real Estate Division of the Engineering Department is authorized and directed to acquire the properties through gift, negotiation or condemnation based upon the approved fair market values.

That the properties will be acquired in accordance with 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised, and that relocation is hereby authorized.

If the property owners agree to convey the properties 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.

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.

That the City Clerk is hereby authorized and directed to endorse upon the Real Estate documents listed above 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. 07-032)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa
Emily Gould Chafa, Assistant City Attorney

Activity ID: 32-2006-005
2006-07 CIP, Street Improvements, I-235
Storm and Sanitary Sewer Improvements,
STR197, Page 23.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

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.

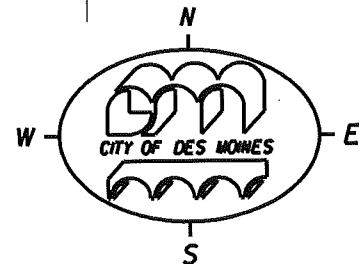
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Mayor



**PROPERTY
LOCATION**



PROPERTY ACQUISITION I-235 DEAN'S LAKE STORM SEWER OUTLET PHASE II ACTIVITY I.D. 32-2006-005

