

Date August 7, 2023

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY
PROPERTY INTERESTS FOR THE 63RD STREET TRAIL FROM SW MCKINLEY
AVENUE TO RACCOON RIVER PROJECT BY GIFT, NEGOTIATION, OR
EMINENT DOMAIN**

WHEREAS, the City’s Engineering Department has determined that it is necessary to acquire the necessary property interests in connection with the 63rd Street Trail from SW McKinley Avenue to Raccoon River Project (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 interest 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

WHEREAS, in accordance with Iowa Code Section 6B.2D, notice of intent to approve acquisition of the necessary property interests for the Project has been sent to each property owner, contract purchaser and tenant of the property proposed to be acquired for the Project and all such persons receiving notice shall have the right to voice objection to the proposed acquisition of the property interests; and

WHEREAS, in accordance with said notices, the public and those interested in said proposal to acquire property for public improvement purposes for the 63rd Street Trail from SW McKinley Avenue to Raccoon River Project by gift, negotiation or eminent domain, both for and against, have been given an opportunity to provide public input and be heard with respect thereto and have presented their views to the City Council of the City of Des Moines, Iowa.

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

1. That all objections and endorsements having been fully reviewed and considered, the hearing providing the opportunity for public input on the question of acquisition or condemnation of property for the 63rd Street Trail from SW McKinley Avenue to Raccoon River Project is now concluded and closed.
2. That the location of the Project as determined by the City’s Engineering Department is hereby approved; there is a reasonable expectation the City will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits; and the City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and

Date August 7, 2023

negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the 63rd Street Trail from SW McKinley Avenue to Raccoon River Project, subject to approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, as applicable.

3. That the property 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 assistance is hereby authorized.

4. That the City Manager is authorized to approve all Fair Market Values for the property interests for the Project in accordance with established City policy. If the property owners agree to convey the property 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 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.

★ Roll Call Number

Agenda Item Number

66

Date August 7, 2023

(Council Communication No. 23- 369)

Moved by _____ to adopt.

Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner, City Clerk