



**Roll Call Number**

**Agenda Item Number**

20-0612

11

Date April 20, 2020

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FOR THE INGERSOLL AVENUE STREETScape PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, the City’s Engineering Department has determined that it is necessary to acquire property interests in connection with the Ingersoll Avenue Streetscape Project (hereinafter “Project”); and

**WHEREAS**, MidAmerican Energy Company (“MidAmerican”) has agreed to incur the cost for burying electric lines outside the Project area; and

**WHEREAS**, the City’s Engineering Department, on behalf of and in the name of MidAmerican, will present offers to the impacted property owners on a strictly voluntary basis for any permanent and temporary easements that MidAmerican will need to complete such undergrounding; and

**WHEREAS**, in addition, the City’s Real Estate Division of the Engineering Department will acquire the necessary property interests needed by the City 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.

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

1. 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 negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the Ingersoll Avenue Streetscape Project, 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.
2. The City’s Engineering Department, on behalf of and in the name of MidAmerican, is hereby authorized to present offers to the impacted property owners on a strictly voluntary basis for any permanent and temporary easements that MidAmerican will need to complete undergrounding located outside the Project area.



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That the property for the Project 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.

3. That the City Manager is authorized to approve all Fair Market Values for all the property interests needed for the Project. 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.

4. 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.

5. 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.



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(Council Communication No. 20-179)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

J. M. Franklin, Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik, City Clerk