



**Roll Call Number**

21-0535

**Agenda Item Number**

13

**Date** April 5, 2021

**AUTHORIZATION TO PROCEED WITH VOLUNTARY PROPERTY ACQUISITION AND RELOCATION ASSISTANCE FOR THE 2021 STATE REVOLVING FUND WATER RESOURCES RESTORATION SPONSORED PROJECT FOR IMPLEMENTATION OF THE LOWER FOURMILE CREEK GREENWAY MASTER PLAN**

**WHEREAS**, on November 6, 2017, by Roll Call No. 17-1901, the City Council of the City of Des Moines approved the Lower Fourmile Creek Greenway Master Plan which was developed in cooperation with the City of Pleasant Hill, Polk County, Polk County Conservation Board Polk County Soil and Water Conservation District, and the Fourmile Creek Watershed Management Authority; and

**WHEREAS**, on August 27, 2018, by Roll Call No. 18-1462, the City Council of the City of Des Moines approved application to the Iowa Department of Natural Resources (IDNR) for a Water Resources Restoration Sponsored Project to fund implementation of the Lower Fourmile Creek Greenway Master Plan; and

**WHEREAS**, subject to fulfilling any additional requirements of the IDNR as applicable, the City’s Real Estate Division of the Engineering Department proposes to acquire the necessary property interests for the 2021 State Revolving Fund (hereinafter “SRF”) Water Resources Restoration Sponsored Project (“Project”) on a voluntary basis only, which project will include demolition services necessary for the Project.

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

1. That the voluntary acquisition of eligible properties in accordance with SRF specifications and subject to any additional SRF requirements as applicable, if any, is hereby approved and authorized, and the Real Estate Division of the Engineering Department is authorized and directed to acquire the eligible properties through voluntary negotiations.
2. That the properties 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 if the eligible property owners agree to voluntarily convey the property to the City, 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.

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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.

(Council Communication No. 21-163)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PIN

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Franckh, Mayor

P. Kay Cmelik City Clerk