

★ Roll Call Number  
09.454

Agenda Item Number  
6A

Date March 23, 2009

**AUTHORIZATION TO PROCEED WITH ACQUISITION OF THE NECESSARY RIGHT-OF-WAY AND EASEMENTS FOR THE MERLE HAY ROAD AND URBANDALE AVENUE INTERSECTION IMPROVEMENTS PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, on March 24, 2008, by Roll Call No. 08-464, the City Council of the City of Des Moines approved and authorized the execution of the Iowa Department of Transportation Pre-Design Agreement for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project; and

**WHEREAS**, the City's Real Estate Division of the Engineering Department will acquire the necessary right-of-way for this project; and

**WHEREAS**, after the design is completed and right-of-way 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 the acquisitions.

**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 to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the Merle Hay Road and Urbandale Avenue Intersection Improvements 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 appropriate.
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 the Fair Market Value of these parcels will be approved 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.

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(Council Communication No. 09- 169 )

Moved by Hensley to adopt.

Funding Source: 2009-2010 CIP, Page  
Street Improvements – 24, Merle Hay  
Road and Urbandale Avenue  
Intersection Improvements, STR235

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER				✓
VLASSIS	✓			
TOTAL	4	0	0	2

APPROVED

Mayor

Thomas Vlassis  
MAYOR PRO TEM

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.

Diane Rauh City Clerk