

★ Roll Call Number

02-2691

Agenda Item Number

21

SW 9<sup>th</sup> Street Widening at Porter Avenue: Page 1

Date November 18, 2002

**RESOLUTION ESTABLISHING FAIR MARKET VALUE AND AUTHORIZING ACQUISITION FOR VARIOUS PROPERTIES FOR THE SW 9<sup>TH</sup> STREET WIDENING AT PORTER AVENUE PROJECT BY GIFT, NEGOTIATION, OR CONDEMNATION**

WHEREAS, on July 22, 2002 by Roll Call No. 02-1809, the City Council of the City of Des Moines approved the preliminary design concept and authorization to proceed with acquisition for SW 9<sup>th</sup> Street at Porter Avenue Widening Project; and,

WHEREAS, the following properties have been appraised by an independent appraisal firm, and the appraisals will be reviewed and approved by the Iowa Department of Transportation; and,

WHEREAS, based upon the appraisals, the suggested fair market value of the properties are as follows:

Titleholder:	Heritage of Des Moines Partners, LLC
Property Location:	5608 SW 9 <sup>th</sup> Street
Property Interest(s) to be Acquired:	Partial Acquisition, Access Rights Deed & Temporary Easement
Suggested Fair Market Value:	\$48,350.00

Titleholder:	Arthur D. Alber
Property Location:	5602 SW 9 <sup>th</sup> Street
Property Interest(s) to be Acquired:	Partial Acquisition, Access Rights Deed & Temporary Easement
Suggested Fair Market Value:	\$29,600.00

Titleholder:	Orchard Place Des Moines Children Home
Property Location:	925 Porter Avenue
Property Interest(s) to be Acquired:	Partial Acquisition, Access Rights Deed & Temporary Easement
Suggested Fair Market Value:	\$120,300.00

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

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

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.

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SW 9<sup>th</sup> Street Widening at Porter Avenue: Page 2

Date November 18, 2002

That if the property owners agree to convey the property interests to the city in an amount based on the established fair market values, including an approved administrative settlements, 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 obtain the checks needed to carry out these transactions and to deliver them to the payees.

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 executed Real Estate Documents the approval and acceptance of this Council and 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Emily Gould Chafa  
 Emily Gould Chafa  
 Assistant City Attorney

Account: 532500  
 Fund: CP038  
 Organization: ENG990000  
 Project/Grant: STR193  
 Activity ID: 32-2003-001  
 F:\RC FMV Various Properties

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS	✓			
COLEMAN	✓			
CONWIE	✓			
HENSLEY	✓			
MCPHERSON	✓			
BROOKS	✓			
VCLASSIS	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>Reson &amp; Daniels</u>	Mayor			

**CERTIFICATE**

I, DONNA V. BOETEL-BAKER, 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.

Donna V. Boetel-Baker  
 City Clerk

★ Roll Call Number

02-2692

Agenda Item Number

22

South Cargo Apron, Airport Expansion: Page 1

Date November 18, 2002

**RESOLUTION FOR APPROVAL TO PROCEED WITH THE ACQUISITION OF PROPERTY LOCATED AT 6620 SW 30<sup>TH</sup> STREET AND 6490 SW 28<sup>TH</sup> COURT BY GIFT, NEGOTIATION OR CONDEMNATION FOR THE AIRPORT EXPANSION PROJECT**

WHEREAS, on March 17, 1995, by Resolution No. A95-51, the Airport Board approved a Revised Airport Master Plan. The Revised Master Plan identified certain properties south of the Airport of acquisition for future Airport development. The Revised Master plan recommended the commencement of voluntary acquisition of some of the property in the area on a hardship basis and as Airport funds are available. On June 9, 1998, by Resolution No. A98-221, the Airport Board amended the Hardship Land Acquisition Program to a voluntary Land Acquisition Program, as Airport funds are available; and,

WHEREAS, on July 10, 1995, by Roll Call No. 95-2666, the City Council approved the Airport Master Plan which required acquisition of all property in the area north of relocated Army Post Road from Fleur Drive to SW 42<sup>nd</sup> Street to be acquired for airport purposes; and,

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381, the City Council adopted the 2020 Community Character Plan that shows all property in the area North of relocated Army Post Road from Fleur Drive to SW 42<sup>nd</sup> Street to be acquired for airport purposes; and,

WHEREAS, on August 20, 2001, by Roll Call No. 01-2578, the City Council approved the execution of an FAA Airport Improvement Program (AIP) grant including the adoption all required statements, representation, assurances, warranties and covenants which resulted in an executed 90% federal grant share amount of \$8,156,231 for the partial expansion of the South Cargo Apron including storm water detention outlet facilities that should be constructed across some of the property that the airport has not acquired; and,

WHEREAS, on June 25, 2002, FAA staff issued a preliminary notice of tentative allocation for an additional AIP Grant to fund Phase 2 of the South Cargo Apron expansion with a proposed federal grant share amount of \$4,413,058. Preliminary plans for Phase 2 of the South Cargo Apron expansion indicate the construction of the project will severely impact property located at 6620 SW 30<sup>th</sup> Street and 6490 SW 28<sup>th</sup> Court.

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

That the City Manager be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by purchase, gift or condemnation the necessary property interests for the South Cargo Apron Airport Expansion Project, including relocation assistance for the following parcels:

6620 SW 30<sup>th</sup> Street

6490 SW 28<sup>th</sup> Court

Gary M. & Rebecca J. Fatino - Contract Purchasers  
Stephen A. & Rosemary R. Lipovac - Contract Sellers  
Estate of John F. Trevillyan

★ Roll Call Number

02-2692

Agenda Item Number

22

Date November 18, 2002

South Cargo Apron, Airport Expansion: Page 2

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Kathleen A. Vanderpool
Kathleen A. Vanderpool
Assistant City Attorney
by J. J. Timmins

OSW

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include DANIELS, COLEMAN, COWNIE, HENSLEY, McPHERSON, BROOKS, VLASSIS, and TOTAL. Includes signature of Preston Daniels, Mayor.

CERTIFICATE

I, DONNA V. BOETEL-BAKER, 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.

Donna V. Boetel-Baker
City Clerk

★ Roll Call Number  
02-2693

Agenda Item Number  
23

Date November 18, 2002

WHEREAS, the final subdivision plat entitled Deer Run Estates Plat V, located in unincorporated Polk County, in the vicinity of NE 11<sup>th</sup> Court and South of NE 70<sup>th</sup> Avenue, to be developed by Dennis Gibson, was submitted to the Community Development Department on October 22, 2002; and,

WHEREAS, the Community Development Department has reviewed the plat and determined that it is located within the 2 mile review limit outside the Des Moines City limits, however it is located within the area reserved for annexation by the City of Ankeny in the Annexation Moratorium Agreement between the cities of Ankeny and Des Moines; and,

WHEREAS, since the plat is located within the area reserved for annexation by the City of Ankeny, and is unlikely to be annexed by the City of Des Moines, the Community Development Department recommends that any review of the plat be waived by Des Moines and that Ankeny should review the plat for conformance with the City of Ankenys' requirements for platting of property; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the City of Des Moines hereby waives it right to review this plat in favor of having Ankeny review the plat according to its standards for platting.

(Council Communication No. 02-595)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS	✓			
COLEMAN	✓			
COWNIE	✓			
HENSLEY	✓			
MCPHERSON	✓			
BROOKS	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Reshan L. Daniels Mayor

CERTIFICATE

I, DONNA V. BOETEL-BAKER, 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.

Donna V. Boetel-Baker City Clerk

★ Roll Call Number  
02 - 2694

Agenda Item Number  
24

Date November 18, 2002

WHEREAS, the final subdivision plat entitled Brook Run Village Plat 8, located south of East Douglas Avenue and east of Brook Run Drive, to be developed by Gene Stanbrough, 3501 Westown Parkway, West Des Moines, was submitted to the Community Development Department on October 17, 2002; and,

WHEREAS, the City Plan and Zoning Commission approved the preliminary subdivision plat on November 11, 1998; and,

WHEREAS, the Permit and Development Coordinator conditionally approved the final subdivision plat on November 5, 2002; and,

WHEREAS, the necessary attorney's title opinion for the plat has not yet been submitted; and,

WHEREAS, subject to the conditions identified below, the said subdivision plat conforms to Iowa Code Sections 355.8, 354.6, and 354.11, and said subdivision plat conforms to the standards and conditions set forth in Chapter 106 of the Municipal Code of the City of Des Moines, Iowa; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. It is hereby determined that the subdivision plat identified above conforms to the Des Moines 2020 Community Character Land Use Plan and the subdivision, with the required installation of public improvements, will not unduly burden public improvements in the area and will provide an appropriate balance of interests between current proprietors, future purchasers and the public interest.
2. The subdivision plat identified above is hereby approved, subject to receipt of the required title opinion and attachments to the plat and the necessary security for the PUD restoration bond, streets, sidewalks, grading, recreation trail, and erosion control and approval of same by the City Legal Department.
3. Upon satisfaction of the conditions set forth in paragraph 2 above, the Mayor and City Clerk are hereby directed to execute approval on all copies of said subdivision plat as appropriate.

( continued )

★ Roll Call Number  
02-2694

Agenda Item Number  
24

Date November 18, 2002

4. The City Clerk is hereby directed to provide the approved subdivision plat, a certified copy of this resolution, the attorney's title opinion and the attachments to the plat to the proprietors for recording. The City Clerk is hereby further directed to send a copy of the subdivision plat to the Polk County Auditor, Polk County Assessor, Board of Education, Qwest Communications, Mid-American Energy, MediaCom, Des Moines Water Works, U.S. Post Office – Post Master, U.S. Post Office – Technical Sales and Services, City Engineer, City Land Records, Public Works – Street Department, Public Works – Forestry Division, Fire Department, Police Department – Research and Development Section, City Traffic and Transportation Division, and Community Development Department.
  
5. The Easements for Sanitary Sewer Right-of-way, Easements for Storm Sewer Right-of-way, and Easement for Temporary Turnaround provided incident to the plat are hereby approved. The City Clerk is hereby directed to certify to the City's acceptance of such easements.

(Council Communication No. 02-596)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS	✓			
COLEMAN	✓			
COWNIE	✓			
HENSLEY	✓			
McPHERSON	✓			
BROOKS	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Presley L. Daniels Mayor

**CERTIFICATE**

I, DONNA V. BOETEL-BAKER, 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.

Donna V. Boetel-Baker  
 City Clerk

★ Roll Call Number  
02-2695

Agenda Item Number  
25

Date November 18, 2002

COMMUNICATION from the Traffic Safety Committee Secretary, requesting Council declare Seat #7 vacant due to the death of Marian Thomas.

MOVED BY Hensley to adopt.

(Replacement to be appointed by Ward IV)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS	✓			
COLEMAN	✓			
COWNIE	✓			
HENSLEY	✓			
McPHERSON	✓			
BROOKS	✓			
VLASSIS	✓			
TOTAL	7			

**CERTIFICATE**

I, DONNA V. BOETEL-BAKER, 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  
Pres. L. Daniels Mayor

Donna V. Boetel-Baker City Clerk

Roll Call Number

Agenda Item Number



02-2696

26

Date November 18, 2002

WHEREAS, the Street Use Team (SUT) has reviewed the following requests for street closure, recommends approval and has no objection to an exception from council policy,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the following City streets are hereby authorized for closure on the dates and times listed below, and authorizing the City Clerk to approve any continued to a future date necessitated by inclement weather:

1. KELLY FOSS, REPRESENTING DOWNTOWN COMMUNITY ALLIANCE, REQUESTING PERMISSION TO CLOSE E. 1ST-COURT TO WALNUT 7:00 PM TO 7:15 PM; RIVERSIDE DRIVE 8:00 AM TO 10:00 PM; COURT AVENUE BRIDGE 8:00 AM TO 10:00 PM; 1ST STREET-COURT TO WALNUT 4:00 PM TO 8:00 PM; COURT AVENUE-2ND AVE TO 1ST ST 4:00 PM TO 8:00 PM ON Saturday, December 7, 2002 FOR FIRE IN THE SKY FIREWORKS.

Moved by Hensley to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS	✓			
COLEMAN	✓			
COWNIE	✓			
HENSLEY	✓			
McPHERSON	✓			
BROOKS	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED				APPROVED

CERTIFICATE

I, DONNA V. BOETEL-BAKER, 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.

Presford L. Daniels

Mayor

Donna V. Boetel-Baker City Clerk

