

COUNCIL ACTION FORM

**SUBJECT: SOUTH GRAND AVENUE EXTENSION PROJECT - LAND ACQUISITION
(PARCEL 11, KENT E. AND JOAN E. COOPER PROPERTY AT 450
SOUTH GRAND AVENUE)**

BACKGROUND:

The City of Ames is acquiring the above subject parcel for the South Grand Ave/S 5th St Extension Project. South 5th Street will be partially relocated and extended westward to the new portion of South Grand Avenue. **This parcel, owned by Kent E. and Joan E. Cooper and located at 450 South Grand Avenue**, is an open field where the new proposed South 5th Street alignment passes through. This parcel is between the Stone Court Apartments Cooperative Housing and the Walter parcel that the City previously acquired. **Negotiations have been completed on the property, with the acquisition area of 6.099 acres being acquired and a total lump sum compensation being \$102,050.**

The project was originally broken into three phases to allow for potential flexibility in timing of construction and funding. The phases are:

- 1) S. 5th St extension and the portion of S. Grand Ave from Squaw Creek Drive (the existing dead end) to S. 5th St
- 2) S Grand Ave South of S. 5th Street (this portion includes two bridges to accommodate Squaw Creek)
- 3) Reconstruction and widening additional turn lanes at S. Duff Ave and S. 16th St.

The land being acquired through this action is for Phase 1 described above. The design of this phase of the project is 100% completed. The plans have been reviewed by the Iowa DOT and City Staff at both the “preliminary” and “check” plan stages. The final plans have been submitted to the Iowa DOT for a July bid letting. The current plan is to begin construction as soon as possible after the contract is awarded.

Right-of-way acquisitions with the remaining property owners in the other phases and permitting through the Iowa Department of Natural Resources (DNR) and US Army Corps of Engineers (USACE) continue.

The Grand Avenue Extension project included in the Capital Improvements Plan (CIP) identifies funding from FY 2013/14 and continuing through FY 2018/19. Funding includes \$7,700,000 in G.O. Bonds, \$4,300,000 in MPO/STP Funds, and \$3,450,00 in

Federal/State Grant Funds. As noted above, construction is anticipated to commence in FY 2019/20.

Below are the terms both the buyer and the seller agreed on to acquire this parcel:

1. Buyer does not require an approved Floodplain Development permit from Seller as the elevation of the remaining 2.009-acre tract is developable in its current state. The Seller's attorney has determined that this simply means a floodplain development permit is not required for the transfer of the property. They acknowledge prior to any development of the remaining 2.009-acre tract, that a floodplain development permit will be required.
2. Buyer is purchasing real estate rights for a public improvement project, not as part of a subdivision development. Therefore, Buyer will not extend any water or sanitary sewer main to the remaining 2.009-acre tract. Any extension of water or sewer mains to the remaining 2.009-acre tract as a part of future development shall be at the sole expense of the Seller.
3. Buyer and Seller agree that Buyer is installing an obstacle (the road) that will need to be crossed by Seller for sanitary sewer service as a part of future development. Buyer hereby agrees to pay Seller \$10,000.00 for the cost of overcoming the obstacle (boring under the road) created from this project, which is included in the Total Lump Sum compensation amount.
4. Buyer hereby agrees to allow Seller to construct storm water and/or surface water flowage facilities within the real estate located South of the new road, contingent of the following:
 - The stormwater management is required as part of development of the remaining 2.009-acre tract lying North of the new road.
 - No negative impact on the sanitary sewer.
 - Review by Buyer's DRC process is administered by the Planning Department, which is separate from this public improvement process and is the responsibility to be initiated by the Seller.
 - Seller is responsible for buffer establishment on the open channel/waterway located on the 2.009-acre tract lying North of the new road, which is required of Chapter 5B Post-Construction Stormwater Management Ordinance. The buffer width shall be 20 feet on each side perpendicular to the waterway measured from the centerline of the channel during base flows. (Minimum total width of 40 feet)
 - Seller is responsible for disposal of existing waste materials located on the site.
 - Seller is responsible for inspection and maintenance of the facility, if approved.
 - Contingency on City Council approval of all terms of this Purchase Agreement. Buyer hereby agrees to inform Seller of the meeting scheduled

in the future with City Council to discuss this Purchase Agreement and Seller's real estate so Seller's input can be provided directly to City Council.

ALTERNATIVES:

1. Adopt resolution approving Purchase Agreement for South Grand Avenue Extension project in the amount of \$102,050 with Kent E. and Joan E. Cooper for Parcel 11, owned by Kent E. and Joan E. Cooper and located at 450 South Grand Avenue.
2. The City Council can reject the purchase agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of this agreement with Kent E. and Joan E. Cooper must happen before moving forward with July bidding and construction of this project. Delay or rejection of this purchase agreement could require the redesign of the entire South Grand Avenue project.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.