



Council
Communication
Office of the City Manager

Date	February 11, 2008
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Agenda Item No.	49
Roll Call No.	<u>08-</u>
Communication No.	<u>08-061</u>
Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing on the intent to acquire property located at the southwest corner of SE 7th Street and Raccoon Street and authorize acquisition of private property interests thereof from multiple property owners for the SE Connector Project – SE 6th Street to SE 14th Street Phase by gift, negotiation or eminent domain.

SYNOPSIS:

Authorization to acquire property located at the southwest corner of SE 7th Street and Raccoon Street from multiple property owners for the SE Connector Project – SE 6th Street to SE 14th Street Phase by gift, negotiation or eminent domain. This action is required by Iowa law before the City can initiate the right-of-way acquisition process under eminent domain for uses other than the following listed below. As part of this project, the City's Fleet Services parking lot located at SE 2nd Street and Raccoon Street will be displaced and will need to be relocated. Acquisition of the properties listed below are initially needed for a construction staging area as part of the roadway improvements. After the roadway construction is completed, these properties will be utilized as the replacement site for the Fleet Services parking lot.

FISCAL IMPACT:

Amount: To be determined by an independent appraisal after design is complete and the right-of-way acquisition limits have been determined.

Funding Source: 2007-08 CIP, Page Street – 40, Street Improvements, STR219, CP038, Southeast Connector – SE Sixth to SE Fourteenth Street.

ADDITIONAL INFORMATION:

The phased construction of the SE Connector Project provides for four-lane extension of the east/west segment of Martin Luther King Jr. Parkway across the Des Moines River to SE 14th Street. The project will improve access to the central business district, reduce traffic congestion, noise, and pollution, and provide better access for industrial areas in the central city.

Under the provisions of Section 6B.2D of the Iowa Code, a governmental body which proposes to acquire property under power of eminent domain for a public improvement project is required to give notice of intent to commence the project to all owners of such land whose properties may be acquired in whole or in part for the project for any purpose other than the following:

- (1) Street and highway projects undertaken by the state, a county, or a city.
- (2) Projects undertaken by a municipal utility.
- (3) Projects undertaken by a city enterprise providing services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, or solid waste disposal.
- (4) Projects undertaken by a county providing services described in section 331.461, subsection 2, paragraphs “b” and “f”.

The acquiring agency is further required to give notice of a proposed resolution, motion, or other document authorizing acquisition of property by eminent domain to each property owner, contract purchaser of record and any tenant known to be occupying the property prior to the date of the meeting at which such proposed authorization will be considered.

The property owners to be affected by acquisition of private property for the SE Connector – SE 6th Street to SE 14th Street Phase are as follows: Walter J. and Carolyn L. Riley are the owners of vacant property located at 400 and 408 SE 7th Street and have a mailing address of 315 University Avenue. Christine Thompson is the owner of vacant property lying directly west of 400 SE 7th Street (tax parcel 040/01287-000-000) and has a mailing address of 619 Scandia Avenue.

Notice of the hearing on authorization of acquisition of private property for the SE Connector Project – SE 6th Street to SE 14th Street Phase by gift, negotiation, or eminent domain was mailed to the affected property owners on January 23, 2008, as required by the Iowa Code. City Council must now hold the hearing and authorize such acquisition before the City can initiate the right-of-way acquisition process under eminent domain.

PREVIOUS COUNCIL ACTION(S):

Date: January 28, 2008

Roll Call Number: [08-133](#)

Action: Ratify and approve mailing notices pursuant to Iowa Code Section 6B.2D and set date of hearing on the intent to acquire property located at the southwest corner of SE 7th Street and Raccoon Street and authorize acquisition of private property interests thereof from multiple property owners for the SE Connector Project – SE 6th Street to SE 14th Street Phase by gift, negotiation or eminent domain.

Date: April 25, 2005

Roll Call Number: [05-969](#)

Action: Authorization to proceed with acquisition of right-of-way and easements for the SE Connector Project from SW 2nd Street to SE 14th Street. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: March 7, 2005

Roll Call Number: [05-530](#)

Action: Execution of Iowa Department of Transportation Agreement. ([Council Communication No. 05-098](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE