 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	October 9, 2017
	<b>Agenda Item No.</b>	<b>51B</b>
	<b>Roll Call No.</b>	<b><u>17-1779</u></b>
	<b>Communication No.</b>	<b><u>17-735</u></b>
	<b>Submitted by:</b>	<b>Jim M. Hoff, Facilities Manager, and Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Authorization to proceed with acquisition of the necessary property interests from Norfolk Southern Railway Company for the Municipal Services Center (MSC) – Phase 2 Project by gift, negotiation, or eminent domain.

**SYNOPSIS:**

Recommend authorization to proceed with acquisition of the necessary property interests from Norfolk Southern Railway Company for the Municipal Services Center – Phase 2 Project by gift, negotiation, or eminent domain. This action is required by Iowa law before the City can initiate the acquisition process under eminent domain. This project provides for the planning, design and development of the second phase of the MSC. Due to a change in the site boundary for this project, it is necessary to acquire additional property from Norfolk Southern Railway Company.

**FISCAL IMPACT:**

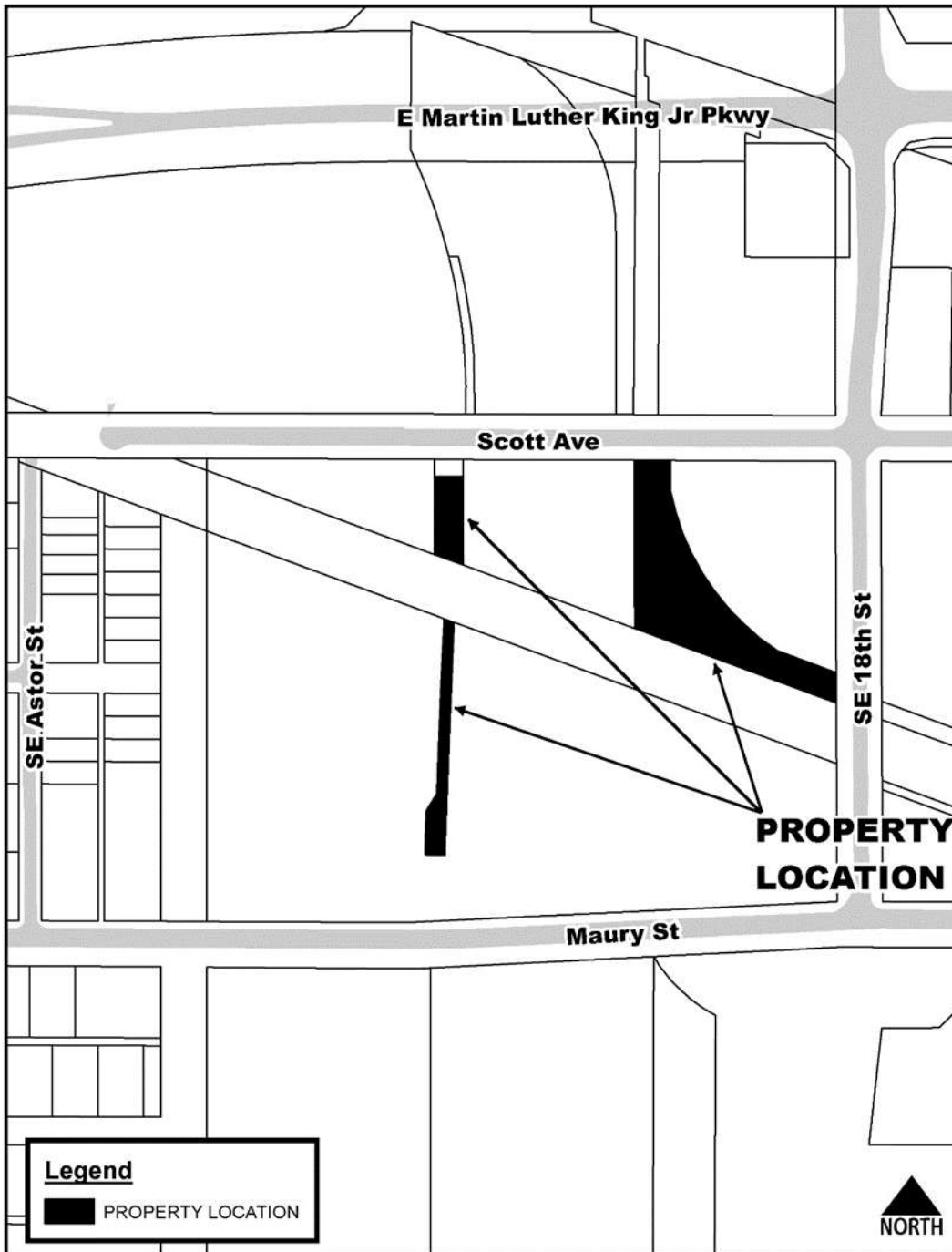
Amount: To be determined by an independent appraisal.

Funding Source: 2017-18 CIP, Page Municipal Building Improvements – 11, Municipal Service Center – Phase 2, BL128, cost allocation to be determined when fair market value is established prior to acquisition proceeding.

**ADDITIONAL INFORMATION:**

- On September 22, 2017, under provisions of 6B.2D of the Iowa Code, notice of the proposed resolution authorizing acquisition of private property by eminent domain for MSC purposes was mailed to Norfolk Southern Railway Company.
- Additionally, a cover letter accompanied the notice that provided Norfolk Southern Railway Company the estimated acquisition schedule and the process for determining fair market value and the relocation assistance program.
- Norfolk Southern Railway Company has the right to attend the City Council meeting on October 9, 2017 to voice any objections to the proposed acquisition of their property.

- The property needed from Norfolk Southern Railway Company for this project consists of three (3) vacant parcels that are no longer used for railroad operations. Relocation assistance will not be required for this acquisition.
- An independent appraisal will be completed for this property and presented to the City Council on October 23, 2017 for the purpose of establishing the fair market value of the property before City staff proceeds with the acquisition process.



**PREVIOUS COUNCIL ACTION(S):**

Date: May 8, 2017

Roll Call Number: [17-0827](#) and [17-0828](#)

Action: Items regarding property acquisition for the Municipal Services Center, Phase 2 project

(A) [Resolution](#) rescinding Roll Call No. 17-0661 of April 17, 2017. Moved by Gatto to adopt. Motion Carried 7-0.

(B) [Resolution](#) regarding authorization to proceed with acquisition of necessary property interests. ([Council Communication No. 17-405](#)) Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, Gatto and Moore.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

City Council approval of fair market value for the property to be acquired on October 23, 2017.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).