

Date January 28, 2008

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SE 7<sup>TH</sup> STREET AND RACCOON STREET AND AUTHORIZE ACQUISITION OF PRIVATE PROPERTY INTERESTS THEREOF FROM MULTIPLE PROPERTY OWNERS FOR THE SE CONNECTOR PROJECT – SE 6<sup>TH</sup> STREET TO SE 14<sup>TH</sup> STREET PHASE BY GIFT, NEGOTIATION OR EMINENT DOMAIN**

**WHEREAS**, under the provisions of Section 6B.2D of the Iowa Code, a governmental body which proposes to acquire private property by eminent domain for municipal purposes not expressly necessary for street, sewer, or municipal utilities and/or related services is required to give notice of a proposed resolution, motion, or other document authorizing such acquisition of property 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; and

**WHEREAS**, on March 2, 2001, by Roll Call No. 01-643, the City Council approved the 2001-2002/2006-2007 Capital Improvements Program, including the proposed improvement to be known as the SE Connector Project – SW 2<sup>nd</sup> to SE 6<sup>th</sup> Phase, which is further described as follows:

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 S.E. Sixth 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.

and

**WHEREAS**, on March 7, 2005, by Roll Call No. 05-530, the City Council approved the execution of an Iowa Department of Transportation Agreement for the SE Connector Project; and

**WHEREAS**, on March 7, 2005, by Roll Call No. 05-531, the City Council approved a Professional Services Agreement between the City of Des Moines and Kirkham Michael & Associates for professional services in connection with the design of the SE Connector from SW 2<sup>nd</sup> Street to SE 14<sup>th</sup> Street; and

**WHEREAS**, on April 25, 2005, by Roll Call No. 05-969, the City Council provided authorization to proceed with the acquisition of the necessary right-of-way and easements for the SE Connector Project from SW 2<sup>nd</sup> Street to SW 14<sup>th</sup> Street; and

**WHEREAS**, in accordance with Section 6B.2D of the Iowa Code, before the City of Des Moines can proceed with this portion of the SE Connector Project, the City Council must:

- (a) Hold a public hearing, giving affected persons the opportunity to attend the hearing and present their views and objections regarding the proposed acquisition of private property for the project by gift, negotiation or eminent domain.

★ Roll Call Number

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- (b) Adopt a resolution to authorize acquisition of private property for the project by eminent domain.
- (c) Mail notices as required by Iowa Code Section 6B.2D to all property owners, contract purchasers of record, and any known tenants with any potential for any form of property acquisition activity for said portion of the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:**

1. That a public hearing shall be held on February 11, 2008, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

2. That the City Council hereby ratifies and approves the mailing of notices by the Real Estate Division as required by law of the pendency of this resolution and of the time and place of the hearing at which persons interested in the proposed project may present their views and objections regarding the acquisition of private property for municipal purposes not expressly necessary for street, sewer, or municipal utilities and/or related services for the project by gift, negotiation or eminent domain.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

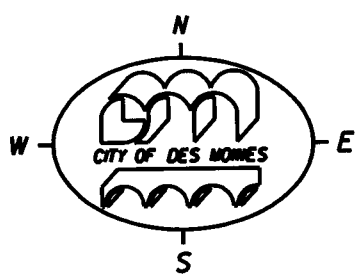
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**PROJECT  
LOCATION**



**PROPERTY ACQUISITION  
SOUTHEAST CONNECTOR PROJECT  
SE 6TH & SE 14TH ST. PHASE  
ACTIVITY I.D. 32-2006-049**