

.....  
Date..... February 12, 2007

AUTHORIZING ACQUISITION BY EMINENT DOMAIN OF PROPERTY  
LOCATED AT 1405 23<sup>rd</sup> STREET FOR THE FOREST  
AVENUE URBAN RENEWAL PROJECT

WHEREAS, on August 24, 2005 by Roll Call No. 05-2584, the City Council of the City of Des Moines adopted the Forest Avenue Urban Renewal Plan and on September 11, 2006 by Roll Call No. 06-1810, the City Council adopted the Amended Forest Avenue Urban Renewal Plan; and

WHEREAS, the Amended Forest Avenue Urban Renewal Plan identifies for acquisition properties in the 2200 block of Forest Avenue, including the property located at 1405 23<sup>rd</sup> Street for purposes of redevelopment; and

WHEREAS, by separate resolution of this date, the City Council adopted an acquisition plan for adjacent properties within the 2200 block of Forest Avenue, including the property located at 1405 23<sup>rd</sup> Street, to enable planned activities for a housing project; and

WHEREAS, the City has sent notice of this proposed resolution authorizing acquisition by eminent domain of the above property to the property owner, to any contract purchaser of record and to any tenants known to be occupying the properties in accordance with Iowa Code Section 6B.2D; and

WHEREAS, in accordance with said delivered notice, those receiving notice and others interested in the proposed acquisition of the above property has been given an opportunity to be heard and to voice to the City Council any objection to the proposed acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Council hereby finds that:

- a. The taking of the property located at 1405 23<sup>rd</sup> Street is necessary to achieve the acquisition plan objectives for enabling a housing redevelopment project; and
- b. The taking of the property located at 1405 23<sup>rd</sup> Street by eminent domain for the acquisition plan will eliminate and rehabilitate the slum and blighted conditions in this part of the Forest Avenue Urban Renewal Area.

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BE IT FURTHER RESOLVED that the Real Estate Division is hereby directed to appraise the above property and submit the appraisal information to the City Council for a determination of fair market value and authorization to proceed with necessary activities and negotiations for the acquisition of the property by negotiation or condemnation.

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

APPROVED AS TO FORM:



Michael F. Kelley  
Assistant City Attorney

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

MOTION CARRIED

APPROVED

.....  
Mayor

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.

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