

Date December 17, 2007

HOLD HEARING ON THE INTENT TO ACQUIRE PROPERTY AND AUTHORIZE ACQUISITION OF PRIVATE PROPERTY INTERESTS THEREOF FROM MABEL B. NICOLINO FOR THE SE CONNECTOR PROJECT - SW 2ND TO SE 6TH PHASE BY GIFT, NEGOTIATION OR EMINENT DOMAIN

WHEREAS, under the provisions of 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 2nd to SE 6th 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 2nd Street to SE 14th 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 2nd Street to SW 14th Street; and

WHEREAS, authorized notice of this hearing has been mailed to the property owner, including the time and place for hearing on the proposal; and

★ Roll Call Number

Agenda Item Number
48

Date December 17, 2007

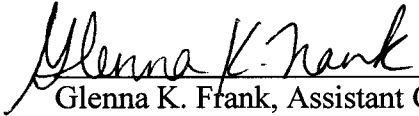
WHEREAS, the City Council has met as provided in the notice to receive and consider input regarding the acquisition of private property by gift, negotiation or eminent domain, and those interested in this proposed property acquisition, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. That all objections and endorsements having been fully reviewed and considered, the hearing providing the opportunity for public input on the question of acquisition or condemnation of private property and property interests is now concluded and closed.
2. That acquisition of private property needed, including acquisition by eminent domain (condemnation) if necessary, is hereby authorized.

Moved by _____ to adopt.

APPROVED AS TO FORM:


Glenna K. Frank, Assistant City Attorney

Funding Source: 2007-08 CIP, Page Street – 41, Street Improvements, Southeast Connector – SW Second to SE Sixth Street, STR214.

an

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
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.

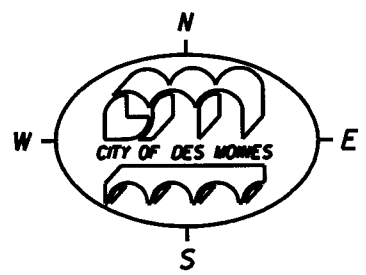
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Clerk City

48



**PROJECT
LOCATION**



**PROPERTY ACQUISITION
SOUTHEAST CONNECTOR PROJECT
SW 2ND & SE 6TH ST. PHASE
ACTIVITY I.D. 32-2006-047**