

★ Roll Call Number
11-1324

Agenda Item Number
46A

Date July 25, 2011

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY FOR MUNICIPAL SERVICES AND
 AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FROM AFFECTED
 PROPERTY OWNERS FOR THE MUNICIPAL SERVICE CENTER – PHASE I PROJECT
 BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

WHEREAS, under the provisions of Chapter 6B.2D of the Iowa Code, a governmental body which proposes to acquire private property by eminent domain for municipal services is required to send 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 at least fourteen (14) days prior to the date of the meeting at which such proposed authorization will be considered; and

WHEREAS, in accordance with Section 6B.2D of the Iowa Code, before the City can proceed with acquisition of property by eminent domain for the aforementioned Project, the City Council must:

- (a) Give affected persons the opportunity to attend the Council meeting and present their views and objections regarding the proposed acquisition of private property for municipal services by gift, negotiation or eminent domain.
- (b) Adopt a resolution to authorize acquisition of private property for municipal services by eminent domain.
- (c) Mail notices to all property owners, contract purchasers of record, and any known tenants with any potential for any form of property acquisition activity for 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 August 8, 2011, 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 to authorize acquisition of private property by eminent domain for municipal services for the Municipal Service Center – Phase I Project.
2. That the actions of the City Engineer and City Clerk in mailing notice as required by law of the pendency of this resolution, and of the time and place of the hearing at which persons receiving the notice may present their views and objections regarding the acquisition of private property for municipal services by gift, negotiation or eminent domain, said Notice of Intent in substantially the attached form, are hereby ratified and approved.

Moved by Moore to adopt.

APPROVED AS TO FORM:
Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(Council Communication No. 11-506)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

T. M. Franklin Mayor

Diane Rauh City Clerk