



**Roll Call Number**

18-0876

**Agenda Item Number**

34

**Date** May 21, 2018

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY FOR PUBLIC IMPROVEMENT PURPOSES AND TO AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FROM VARIOUS PROPERTY OWNERS FOR THE LITTLE FOUR MILE TRUNK SANITARY SEWER PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, the City's Engineering Department has determined that it is necessary to acquire property interests from various property owners in connection with the Little Four Mile Trunk Sanitary Sewer Project (hereinafter "Project"); and

**WHEREAS**, under the provisions of Section 6B.2A of the Iowa Code, a governmental body which proposes to acquire property, by eminent domain for public improvement purposes 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 (collectively, "Property Owners") of the meeting at which such proposed authorization will be considered; and

**WHEREAS**, in accordance with Iowa Code Sections 6B.2A, 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 property for public improvement projects by gift, negotiation or eminent domain.
- (b) Adopt a resolution to authorize acquisition of property for the public improvement project 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 within the timeframes set forth in Iowa Code Sections 6B.2A.

**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 June 11, 2018, at 5:00 p.m. in the City Council Chamber, 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 gift, negotiation, or eminent domain for public improvement purposes for the Little Four Mile Trunk Sanitary Project.



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2. That the notices 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 property for public improvement purposes by gift, negotiation or eminent domain, which notices were previously mailed by the City's Engineering Department - Real Estate Division pursuant to the requirements Iowa Code Section 6B.2A, are hereby ratified and confirmed.

3. That the City Clerk is hereby instructed to cause notice to be published 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 property for public improvement purposes by gift, negotiation or eminent domain, said Notice of Intent to be in substantially the same form.

Moved by Gray to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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 Council Mayor

Diane Rauh City Clerk