



Roll Call Number

18-1038

Agenda Item Number

65

Date June 11, 2018

HOLD 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 Iowa law, a governmental body which proposes to acquire property by eminent domain for public improvement purposes is required to give notice of the 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, on May 21, 2018, by Roll Call No. 18-0876, City Council set the time and place for a hearing at which persons affected by the Little Four Mile Trunk Sanitary Sewer Project may present their views regarding the proposed acquisition of private or agricultural property for public improvement purposes by gift, negotiation or eminent domain; and

WHEREAS, in accordance with Iowa Code Sections 6B.2A and 6B.2D, notice of intent to approve acquisition of the necessary property interests for the Project has been sent to all Property Owners and all such persons receiving notice shall have the right to voice objection to the proposed acquisition of the property interests; and

WHEREAS, in accordance with said notices, those interested in said proposal to acquire property for public improvement purposes for the Little Four Mile Trunk Sanitary Sewer Project by gift, negotiation or eminent domain, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Des Moines, Iowa.

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 input from Property Owners and all interested persons on the question of acquisition or condemnation of property for the Little Four Mile Trunk Sanitary Sewer Project is now concluded and closed.



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2. That the location of the Project as determined by the City's Engineering Department is hereby approved; there is a reasonable expectation the City will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits; and the City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for construction of the Little Four Mile Trunk Sanitary Sewer Project, subject to approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, as applicable.
3. That the property will be acquired in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised, and that relocation assistance is hereby authorized.
4. That the City Manager is authorized to approve all Fair Market Values for the property interests in accordance with established City policy. If the property owners agree to convey the property to the City in an amount based on the established fair market value, including an approved administrative settlement, or if a condemnation award is based on the established fair market value or falls within an approved settlement amount, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
5. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.
6. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents for this Project the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.



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(Council Communication No. 18-286)

Moved by Westergaard to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

RW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTRGAARD	✓			
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.

Diane Rauh

City Clerk

T.M. Franklin Cownie Mayor