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Date May 18, 2020

SET DATE OF PUBLIC HEARING ON INTENT TO COMMENCE A PUBLIC IMPROVEMENT PROJECT TO CONSTRUCT THE SOUTHEAST CONNECTOR – SE 30TH STREET TO U.S. HIGHWAY 65 PROJECT AND TO AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS, INCLUDING AGRICULTURAL LAND, FOR THE PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN

WHEREAS, on March 7, 2005, by Roll Call No. 05-530, the City Council approved execution of the Iowa Department of Transportation (IDOT) Agreement for the Southeast Connector Project (hereinafter “Project”); and

WHEREAS, on September 8, 2014, by Roll Call No. 14-1351, 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 Southeast Connector from SE 30th Street to U.S. Highway 65; and

WHEREAS, the City’s Real Estate Division of the Engineering Department will acquire the necessary property interests for this Project; and

WHEREAS, under the provisions of Section 6B.2A of the Iowa Code, a governmental body which proposes to acquire agricultural 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 and contract purchaser of record of agricultural property (collectively, “Property Owners”) of the meeting at which such proposed authorization will be considered; and

WHEREAS, in accordance with Iowa Code Section 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 agricultural property for public improvement projects by gift, negotiation or eminent domain.
- (b) Adopt a resolution to authorize acquisition of agricultural property for the public improvement project by gift, negotiation, eminent domain.
- (c) Provide notice of the public hearing to all property owners and contract purchasers of record of agricultural land 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:

 **Roll Call Number**

Agenda Item Number

18

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Date..... May 18, 2020.....

1. That a public hearing shall be held on June 8, 2020, at 5:00 p.m. in the MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Due to the Governor's current prohibition on gatherings of ten or more persons during the COVID19 outbreak, the meeting may be conducted electronically. For an update on whether the meeting will be conducted electronically, you may contact the City Clerk at (515) 283-4209 or check the agenda for the meeting posted on the City's website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically (details below):

- To join the Zoom Meeting via the internet, access:
 - <https://us02web.zoom.us/j/85018958836?pwd=c3lQSmJoRitFcGwyYlJmUTVFajJidz09>
 - Meeting ID: 850 1895 8836, Password: 000960
- To join the Zoom Meeting via phone, dial: 877 853 5257 US Toll-free
 - Meeting ID: 850 1895 8836

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 Southeast Connector – SE 30th Street to U.S. Highway 65 Project.

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.

★ Roll Call Number

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18

Date May 18, 2020

Moved by _____ to adopt.

APPROVED AS TO FORM:

/s/ _____
Lisa A. Wieland, Assistant City Attorney

PSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

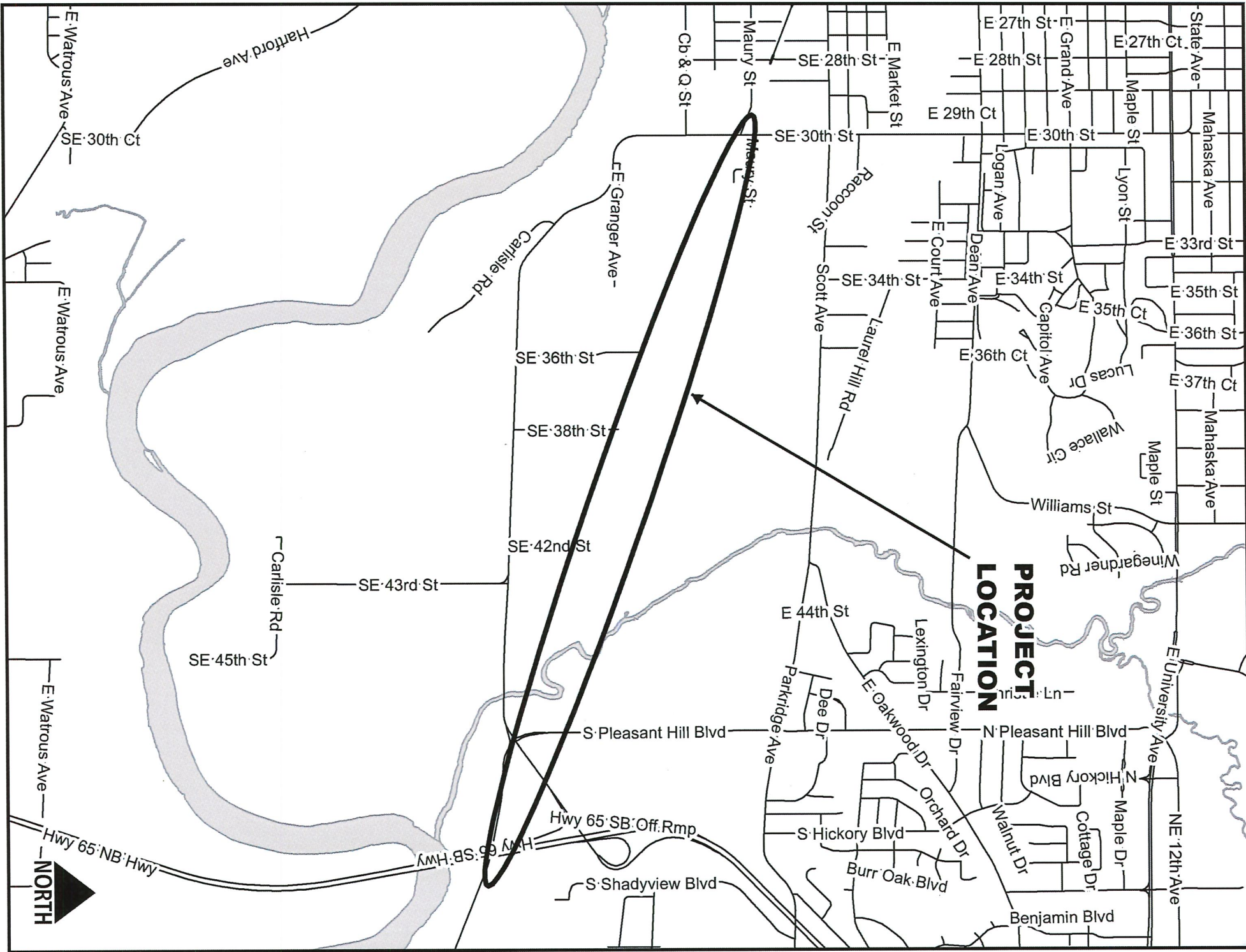
I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

Mayor

City Clerk



NOTICE OF HEARING ON THE INTENT TO ACQUIRE AGRICULTURAL PROPERTY FOR PUBLIC IMPROVEMENT PURPOSES AND AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS THEREOF FROM VARIOUS PROPERTY OWNERS FOR THE SOUTHEAST CONNECTOR – SE 30TH STREET TO U.S. HIGHWAY 65 PROJECT BY GIFT, NEGOTIATION OR EMINENT DOMAIN

TO:

<u>Property Owner</u>	<u>Mailing Address</u>	<u>Location of Affected Property</u>	<u>County</u>
Larry E. Fleck, Sandra A. Fleck, Sharon F. Whiting and Dean A. Whiting	1460 S. Shadyview Boulevard Pleasant Hill, IA 50327-1956	District/Parcels 050/04253-000-000, and 221/00057-005-000 Des Moines, IA 50317	Polk
White-Green Valley Trust	P.O. Box 13318 Des Moines, IA 50310-0318	1520 SE 36 th Street Des Moines, IA 50317	Polk

and other Polk County Property Owners.

Under the provisions of Chapter 6B.2A of the Iowa Code, a governmental body which proposes to acquire agricultural land under power of eminent domain for a public improvement project is required to give notice of its intent to commence the project to all owners and record contract purchasers of such agricultural land whose properties may be acquired in whole or in part for the project. (See Sections 6A.21(a) and 6B.2A of the Iowa Code.)

1. DESCRIPTION OF THE PROJECT.

NOTICE IS HEREBY GIVEN to the above-identified owners of agricultural land and contract purchasers of record known to be occupying the property (collectively, "Property Owners") that the Des Moines City Council will consider authorizing acquisition of property by gift, negotiation or eminent domain for the Southeast Connector – SE 30th Street to U.S. Highway 65 Project (the "Project"). This Project consists of extending the Southeast Connector between SE 30th Street and U.S. Highway 65.

2. PRIVATE AGRICULTURAL PROPERTY MAY BE ACQUIRED BY PURCHASE OR CONDEMNATION.

The Project, if approved by the City Council, will require acquisition of property interests for the Project improvements. Upon review of Polk County property records, it appears that agricultural land owned by the above-identified persons may have to be acquired in whole or in part for the Project. The proposed location of the above-described public improvement is shown on the attached map.

3. CITY OF DES MOINES PROCESS TO DECIDE TO PROCEED WITH THE PROJECT AND TO ACQUIRE AGRICULTURAL PROPERTY BY

**PURCHASE OR EMINENT DOMAIN; CITY COUNCIL ACTION
REQUIRED TO PROCEED WITH PROJECT; OPPORTUNITY FOR
PUBLIC INPUT.**

In making the decision to proceed with the above-described Project and to authorize the acquisition of property and property interests, the City Council will hold a public hearing, giving all persons interested in the proposed Project the opportunity to present their views and voice objections regarding the Project and proposed acquisition of agricultural property for the Project by eminent domain. **The public hearing will be held at 5:00 p.m. during the City Council's regularly scheduled meeting on the 8th day of June, 2020, in the MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, which meeting commences at 4:30 p.m.** Due to the Governor's current prohibition on gatherings of ten or more persons during the COVID19 outbreak, the meeting may be conducted electronically. For an update on whether the meeting will be conducted electronically, you may contact the City Clerk at (515) 283-4209 or check the agenda for the meeting posted on the City's website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically (details below):

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Meeting ID: 850 1895 8836, Password: 000960
- To join the Zoom Meeting via phone, dial: 877 853 5257 US Toll-free,
Meeting ID: 850 1895 8836

Persons receiving this notice have a right to attend the meeting and to provide public input and voice objections regarding the Project and the proposed acquisition of the agricultural property.

In order for the City of Des Moines to proceed with the above-described Project and commence the acquisition of agricultural property for the Project, the City Council will be required to approve the Project and authorize acquisition of private agricultural property for the Project by eminent domain by City Council resolution. The City Council is scheduled to consider adoption of the resolution authorizing the acquisition or property for the Project by gift, negotiation, or eminent domain following the public hearing on June 8, 2020.

If the Project is approved by the City Council, an appraiser retained by the City of Des Moines will determine the compensation to be paid for the property or property interests that are needed for the Project. The City of Des Moines will offer no less than the appraised fair market value and will attempt to purchase the property or property interests needed for the Project by good faith negotiations. If the City of Des Moines is unable to acquire properties needed for the Project by negotiation, the City of Des Moines would proceed by acquiring those properties or property interests by condemnation.

Please give a copy of this notice to any owner or contract purchaser on your agricultural land not listed above and provide contact information for said owner or contract purchaser to the City of Des Moines contact person listed below.

4. CONTACT PERSON.

Scott Almeida has been designated by the City as the person to contact regarding the Project. Persons desiring further information regarding the Project or its impact on the agricultural properties identified above may contact Scott Almeida by mail at Kirkham Michael, 11021 Aurora Avenue, Urbandale, Iowa 50322, by telephone at (515) 393-4771, or by e-mail at salmeida@kirkham.com.