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**Date**..... February 21, 2022.....

**SET DATE OF PUBLIC HEARING OF INTENT TO COMMENCE A PUBLIC IMPROVEMENT PROJECT TO CONSTRUCT THE WATROUS AVENUE FROM SW 56<sup>TH</sup> STREET TO SW 61<sup>ST</sup> STREET PROJECT AND TO AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS, INCLUDING AGRICULTURAL LAND, FOR THE PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, the City’s Engineering Department has determined that it is necessary to acquire right-of-way in connection with the Watrous Avenue from SW 56<sup>th</sup> Street to SW 61<sup>st</sup> Street Project (hereinafter “Project”); 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 (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, including agricultural property, by eminent domain for the aforementioned Project, the City Council must:

- (a) Give affected persons and members of the public 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) Provide notice of the public hearing to all property owners and contract purchasers of record within the timeframes set forth in Iowa Code Sections 6B.2A
- (c) Adopt a resolution to authorize acquisition of agricultural property for the public improvement project by gift, negotiation, eminent domain.

**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 March 7, 2022, said meeting to be held 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

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property, including agricultural property, by gift, negotiation, or eminent domain for public improvement purposes for the Watrous Avenue from SW 56<sup>th</sup> Street to SW 61<sup>st</sup> Street Project.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. March 3, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the March 7, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

2. That the notices of the time and place of the hearing at which the public may present their views and objections regarding the acquisition of property, including agricultural 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 \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

*/s/ Lisa A. Wieland*

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

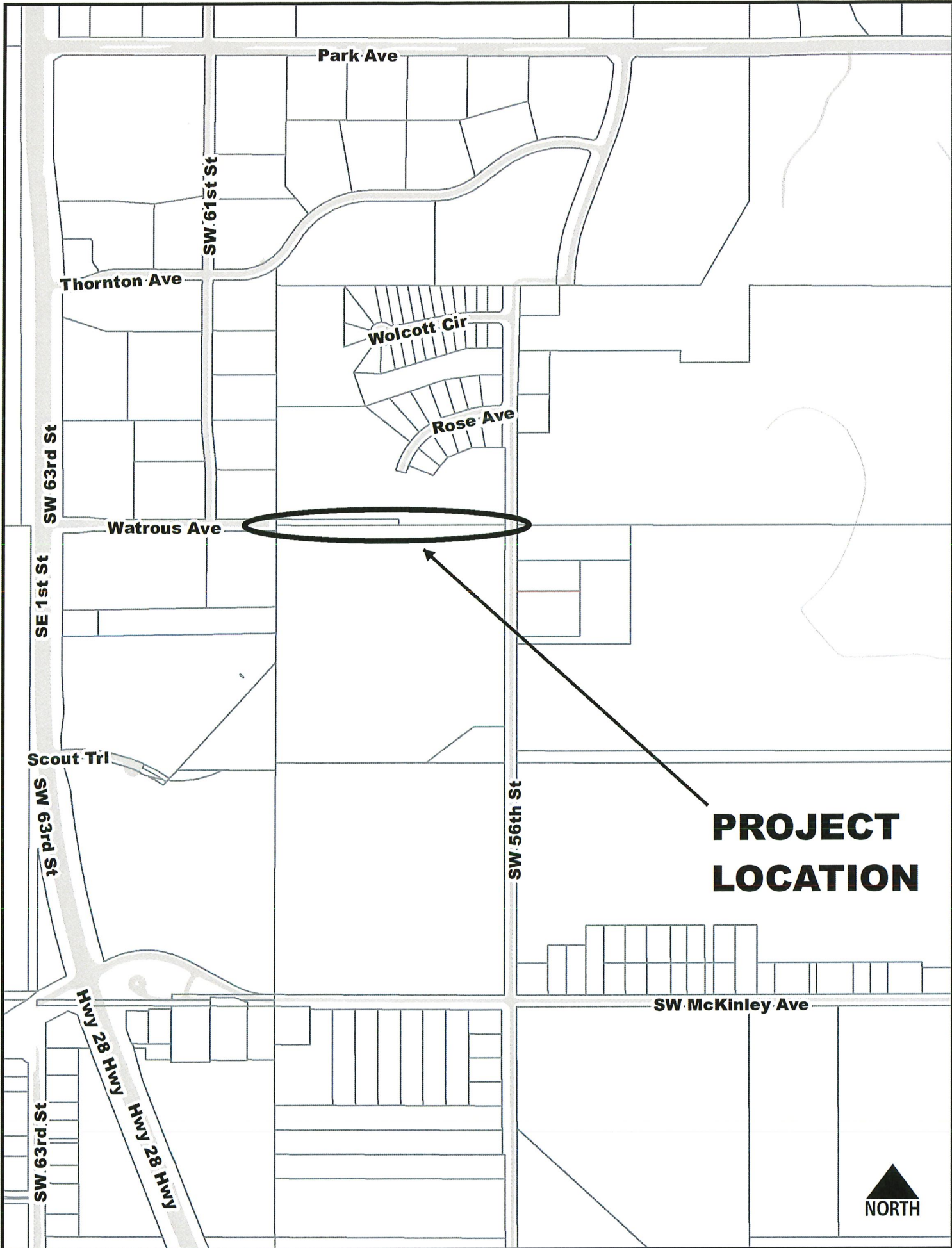
\_\_\_\_\_  
Mayor

**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.

\_\_\_\_\_  
City Clerk



**PROJECT  
LOCATION**



**NOTICE OF HEARING ON THE INTENT TO COMMENCE A PUBLIC  
IMPROVEMENT PROJECT TO CONSTRUCT THE WATROUS AVENUE FROM  
SW 56<sup>TH</sup> STREET TO SW 61<sup>ST</sup> STREET PROJECT AND TO AUTHORIZE  
ACQUISITION OF THE NECESSARY PROPERTY INTERESTS, INCLUDING  
AGRICULTURAL LAND, FOR THE PROJECT BY GIFT, NEGOTIATION,  
OR EMINENT DOMAIN**

TO:

Property Owner	Mailing Address	Location of Affected Property	County
R. Michael Knapp 2001 Revocable Trust and Ellyn Patrice Knapp 2001 Revocable Trust	5935 McKinley Avenue Des Moines, IA 50321	Parcel 7825-23-400-002 Des Moines, IA 50321	Polk
Airport Development, L.C.	c/o Knapp Properties 5000 Westown Parkway Suite 400 West Des Moines, IA 50266	6000 Watrous Avenue Des Moines, IA 50321	Polk
Monarch Cement of Iowa Inc. a/k/a Monarch Cement Co	5200 Park Avenue Des Moines, IA 50321	Parcel 7825-24-100-006 Des Moines, IA 50321	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 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, including agricultural property, by gift, negotiation or eminent domain for the Watrous Avenue from SW 56<sup>th</sup> Street to SW 61<sup>st</sup> Street Project (the "Project"). This Project includes construction of a new two-lane roadway through currently undeveloped land extending Watrous Avenue from SW 56<sup>th</sup> Street to SW 61<sup>st</sup> Street, including sidewalk on both sides of the roadway (see attached map).

**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 members of the public and 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 March 7, 2022, in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines Iowa.**

Persons interested in the proposal will be given the opportunity to express their views at that hearing. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. March 3, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the March 7, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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 March 7, 2022.

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 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.**

Jonathan Bullock 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 Jonathan Bullock by mail at the City of Des Moines, Engineering Department, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309, by email at [JRBullock@dmgov.org](mailto:JRBullock@dmgov.org), or by telephone at (515) 283-4074.