



Roll Call Number

14-01691

Agenda Item Number

18

Date May 5, 2014

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY LOCATED AT
1422 SCOTT AVENUE FOR THE SE AGRI BUSINESS URBAN RENEWAL PROJECT
AND AUTHORIZE ACQUISITION OF THE PROPERTY BY GIFT, NEGOTIATION,
OR EMINENT DOMAIN**

WHEREAS, on January 26, 1998, by Roll Call No. 98-275, the Des Moines City Council adopted the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project (hereinafter referred to as the "Plan"), and such Plan has been amended six times; and

WHEREAS, on March 10, 2014, by Roll Call No. 14-0436, the Des Moines City Council approved the Sixth Amendment to the Plan, which included designating the real property located at 1422 Scott Avenue for acquisition by the City for redevelopment purposes and to eliminate slum and blighted conditions on the property; and

WHEREAS, under the provisions of Section 6B.2D of the Iowa Code, a governmental body which proposes to acquire private property by eminent domain for urban renewal 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 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 urban renewal by gift, negotiation or eminent domain.
- (b) Adopt a resolution to authorize acquisition of private property for urban renewal 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 May 19, 2014, 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 at 1422 Scott



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Avenue by eminent domain for urban renewal purposes for the SE AgriBusiness Urban Renewal Project.

2. That the City Engineer and City Clerk are hereby authorized and directed to mail notice as required by law of the pendency of this resolution, and of the date, 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 urban renewal by gift, negotiation or eminent domain, said Notice of Intent in substantially the attached form, and such mailing is hereby approved and ratified.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and 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