



Roll Call Number

20-0822

Agenda Item Number

18

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:



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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=c3lQSmJoRitFcGwyYlJmUTVFaWJidz09>
 - 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.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/
 Lisa A. Wieland, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

J. M. Franklin Cownie 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.

P. Kay Cmelik City Clerk