CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **January 26, 2016**

ITEM:

Resolution - Opening and Closing Public Hearing Regarding the Final Design and Site Selection and Approval of the Acquisition of Property, Including Agricultural Property
Grand Avenue West Segment 6F Sewer Extension (Project No. 0510-074-2015)

FINANCIAL IMPACT:

None at this time.

BACKGROUND:

Pursuant to state law, a municipality is required to provide notice and hold a public hearing to receive public input regarding the final design and site selection of a public improvement project when the acquisition of agricultural property for the project is necessary. The public hearing is necessary to make the final selection for the site of the project and to authorize the acquisition of property, including agricultural property, for the project. Subsequent to the publication of the notice the design was modified to cross V Court entering Davis Estates, Ltd., lands. Notice was not provided for this parcel . Attached is an Acknowledgement and Waiver of Notice from Mike Blaser who represents Davis Estates, Ltd.

The attached Resolution opens and closes the public hearing; approves the design and location of the project; approves the acquisition of property, including agricultural property necessary for the project, at the fair market value to be established by compensation estimate and/or appraisal; approves hiring of appraiser; and approves initiation and completion of condemnation proceedings, if necessary.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Resolution Opening and Closing Public Hearing Regarding the Final Design and Site Selection and Approval of the Acquisition of Property, Including Agricultural Property

Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer

STAFF REVIEWS

Department Director	Duane C. Wittstock, City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard J. Scieszinski, City Attorney
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	January 15, 2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	January 18, 2016		
Recommendation	Yes	No	Split

RESOLUTION OPENING AND CLOSING PUBLIC HEARING REGARDING THE FINAL DESIGN AND SITE SELECTION AND APPROVAL OF THE ACQUISITION OF PROPERTY, INCLUDING AGRICULTURAL PROPERTY, FOR THE CONSTRUCTION OF THE

Grand Avenue West Segment 6F Sewer Extension
Project No. - 0510-074-2015

WHEREAS, the City of West Des Moines has previously approved funding for the construction of the Grand Avenue West Segment 6F Sewer Extension, Project Number 0510-074-2015 (hereinafter "Project"); and

WHEREAS, the proposed project site includes agricultural property; and

WHEREAS, Code of Iowa Section 6B.2A requires a municipality to hold a public hearing to receive input regarding the final design and site selection for a public improvement project in which agricultural property will be acquired, and Code of Iowa Section 6B.2D requires a municipality to allow individuals with an interest in property that may be acquired for the Project to voice objection to the Project; and

WHEREAS, pursuant to state code the City has provided written and published notice regarding the public hearing to each owner and contract purchaser of agricultural property, and has provided written notice to each known owner, contract purchaser and tenant of property that may be acquired for the Project; and

WHEREAS, pursuant to Code of Iowa Section 6B.2A, published notice of the public hearing was made on January 15, 2016, a copy of which is on file in the Office of the City Clerk; and

WHEREAS, the City Council has received public input regarding the general nature of the Project, including objections to the Project, has determined the source of funding for the Project, has reviewed the site-specific design and location of the Project and has determined that the acquisition of property, including the acquisition of agricultural property through voluntary purchase or condemnation is for a public purpose and necessary for completion of the Project; and

WHEREAS, upon consideration of the information received by the City Council, including public input regarding the Project, the City Council has determined that it is in the best interest of the City of West Des Moines to proceed with the construction of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to Code of Iowa Section 6B.2A, written and published notice of the public hearing has been properly made to each owner and contract purchaser of agricultural property which may be needed for construction of the Project.

2. Pursuant to Code of Iowa Section 6B.2D, written notice of the public hearing has been properly made to each known property owner, contract purchaser and tenant of property that may be acquired for the Project in order for these owners, purchasers and tenants to voice objections to the Project.

3. Input from individuals with an interest in property to be acquired for the Project, including the owners and contract purchasers of agricultural property, have been received and considered.

4. The public hearing on this matter is closed.

5. The design and location of the Project, which shall be funded with funds identified by the City of West Des Moines at the hearing, has been reviewed and is acceptable and appropriate.

6. The City shall obtain compensation estimates and/or appraisals establishing the fair market value of the property and easements required for construction of the Project, the locations and descriptions of which are shown on the attached Exhibit "A".

7. Pursuant to the property acquisition policy of the City of West Des Moines, acquisition of all property and easements necessary for the construction of the Project is hereby approved.

8. City staff is authorized to acquire M.A.I. appraisals or formulate compensation estimates establishing the fair market value of the property necessary for the Project.

9. City staff is further authorized to acquire the property and easements through voluntary acquisition or gift based upon the fair market value of each property as determined by the M.A.I. appraisal or compensation estimates, which upon the appraisals/estimates completion are hereby approved (copies of which shall be on file in the Office of the City Clerk).

10. Upon the inability of the City to acquire the property voluntarily or by gift, condemnation of such property is hereby approved. The City Legal Department is authorized to initiate and complete condemnation proceedings.

11. Acquisition of property related to the Project shall be done in accordance with all local, state and federal laws and regulations.

PASSED AND ADOPTED this **26th** day of **January, 2016**.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

ACKNOWLEDGEMENT AND WAIVER OF NOTICE

GRAND WEST 6F SEWER PROJECT
PROJECT NO. 0510-074-2015

The undersigned, on behalf of Davis Estates, Ltd., an Iowa corporation, owner of property identified for acquisition by the City of West Des Moines, Iowa for the Grand West 6F Sewer Project, Project No. 0510-074-2015, acknowledges the property owner's right to notice and hearing as provided by Iowa Code Section 6B.2A.

The undersigned, on behalf of and by the authority of the owner, Davis Estates, Ltd., hereby knowingly and voluntarily waives any and all statutory requirements imposed by Iowa Code Section 6B.2A regarding notice of the hearing for the proposed Grand West 6F Sewer Project and acknowledges receipt of actual notice of the hearing to be held January 26, 2016 at 5:35 p.m. in the City Council Chambers of the West Des Moines City Hall.

Dated this 15th day of January, 2016.

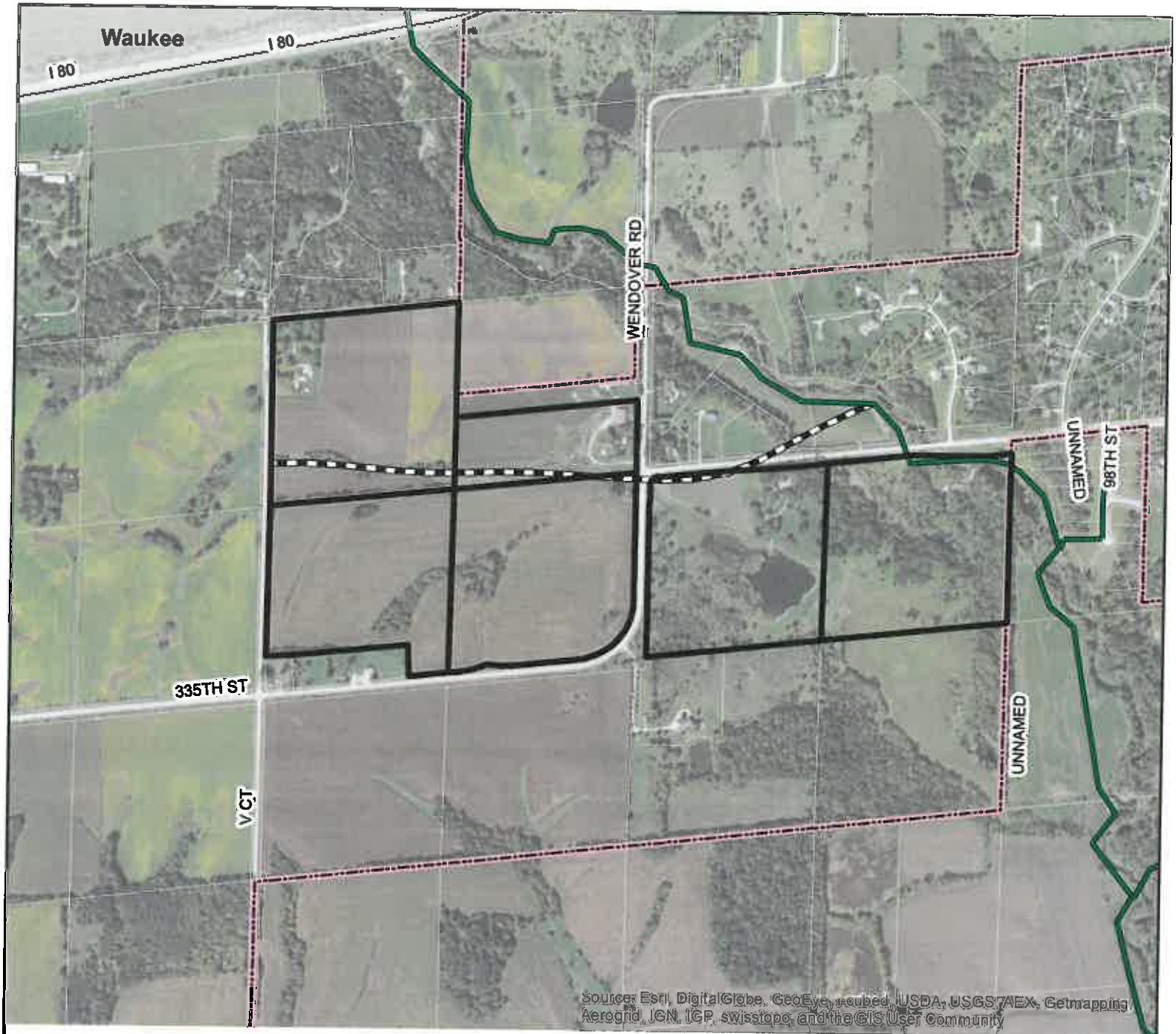
Michael Blaser
Attorney for Davis Estates, Ltd.,
an Iowa corporation

STATE OF IOWA)
) SS:
COUNTY OF POLK)

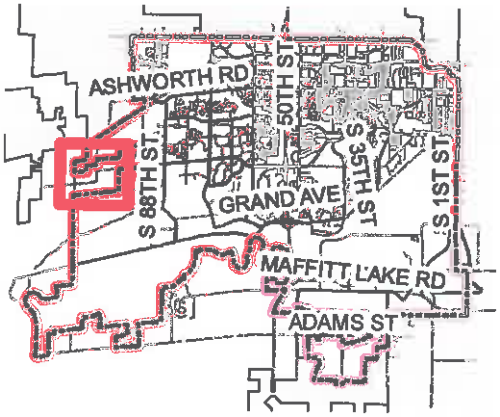
This record was acknowledged before me on this 15th day of January, 2016 by Michael Blaser, attorney for Davis Estates, Ltd., an Iowa corporation, on behalf of whom the record was executed.

Notary Public in and for the State of Iowa

ASHLEY HAGER
Commission Number 779912
My Commission Expires
August 19, 2016



VICINITY MAP



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LEGEND

PROJECT LOCATION ———

THE CITY OF WEST DES MOINES

CITY OF WEST DES MOINES
ENGINEERING SERVICES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PH: (515) 222-3620 FAX: (515) 273-0802

PROJECT:	**GRAND AVENUE WEST SEGMENT 6F TRUNK SEWER**
	Project No. 0510-074-2015
LOCATION:	**EXHIBIT "A"**
DRAWN BY: BJM	DATE: 12/08/2015 — SHT. 1 OF 1