

**RESOLUTION NO. \_\_\_\_-15**

**RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE OWNED BY PATRICIA M. CHAMBERLAIN, IN THE CITY OF DUBUQUE**

Whereas, the City of Dubuque intends to acquire certain real estate as necessary for the Bee Branch Creek Restoration Project (the Project) for stormwater mitigation activities as recommended in the 2001 "Drainage Basin Master Plan"; and

Whereas, this certain real estate is not currently part of or located within the Bee Branch Creek Restoration Project; and

Whereas, Ms. Patricia M. Chamberlain (the Owner) of this certain real estate has voluntarily agreed to sell to the City of Dubuque the certain real estate legally described as follows (the Property):

North ½ of Lot 19 O.S. Langworthy's Addition, in the City of Dubuque, Iowa

South ½ of Lot 19 O.S. Langworthy's Addition, in the City of Dubuque, Iowa

South ½ of Lot 18 O.S. Langworthy's Addition, in the City of Dubuque, Iowa

Whereas, the Bee Branch Creek project corridor allows for very limited space for the multiple construction contractors to store materials and equipment, maneuver equipment, and actual construct the improvements as outlined in the plans; and

Whereas, the construction contractors are currently competing with local residents for off-street parking spaces and the demand for real estate will increase as the work moves towards E. 24th Street; and

Whereas, acquiring the Property will result in more space available to the contractors and allow the public and area residents more use of area streets; and

Whereas, following the construction of the Bee Branch Creek project, the Properties can be utilized to expand the limits and the function of Comiskey Park; and

Whereas, the acquisition of this real estate is a voluntarily negotiated purchase by the City of Dubuque under Section 6B.1A of the Code of Iowa, and is not an acquisition by the City of Dubuque through its exercise of the power of eminent domain under Chapter 6B of the Code of Iowa; and

Whereas, the Owner has agreed to sell her two properties, a duplex at 2442-2446 Washington and a single family home at 2450 Washington Street for a total cost of

\$210,000.00 and has agreed to rent replacement properties to her current tenants at their current rent for 42 months; and

Whereas, the \$210,000.00 cost for the City to acquire the Owner's property corresponds to the costs the City would incur if the properties were acquired through the eminent domain process; and

Whereas, purchase agreements have been finalized with the owner of the real estate scheduled for acquisition and Acknowledgments of Voluntary Negotiation have been executed by the Owner; and

Whereas, it is in the best interest of the City to acquire the Properties, subject to review of the updated abstracts and title opinions by the City Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. That the City Council of the City of Dubuque, Iowa hereby approves the Offer to Buy Real Estate and Acceptance attached hereto subject to review of the updated abstracts and title opinions by the City Attorney's Office.

Section 2. That the City of Dubuque be and is hereby authorized to accept a Warranty Deed from the owner, conveying the owner's interest to the City of Dubuque, Iowa for the herein described real estate.

Section 3. That the City Clerk be and is hereby authorized and directed to cause said Warranty Deed to be recorded in the office of the Dubuque County Recorder, together with a certified copy of this Resolution.

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Roy D. Buol, Mayor

Attest:

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Kevin S. Firnstahl, City Clerk