

RESOLUTION NO.

ESTABLISHING THE FAIR MARKET VALUE AND AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN AN EASEMENT THROUGH CERTAIN REAL PROPERTY OWNED BY ROBERT F KLAUER IN THE CITY OF DUBUQUE, IOWA

Whereas, the City of Dubuque (City) intends to acquire a temporary easement through certain real property owned by Robert F. Klauer (Owner), at 430 Garfield Avenue as shown on Temporary Easement Exhibit A (the Easement) attached hereto for the purpose of constructing, operating, and maintaining the Bee Branch Railroad Culverts, a stormwater management project; and

Whereas, Iowa law requires that City must make a good faith effort to negotiate with the Owner to purchase the Easement before proceeding with condemnation; and

Whereas, City has caused an appraisal of the Easement to be made and the appraised value of the easement is \$5,000.00; and

Whereas there is a reasonable expectation that the City will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits; and

Whereas, the City Council now desires to establish the fair market value of the Easement.

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

1. The fair market value of the Easement is hereby established to be \$4,600.00.
2. The City Manager is hereby authorized to commence negotiations with the Owner of the Easement and any other interested parties for the purchase of the Easement for a purchase price which is not less than the fair market value established by this resolution.
3. The City Manager is hereby authorized to commence proceedings for the acquisition of the Easement by eminent domain should negotiations fail.

Passed, approved and adopted this _____ day of _____, 2018.

Roy D. Buol, Mayor

Attest:

Kevin S. Firnstahl, City Clerk