

## **RESOLUTION NO.**

### **ESTABLISHING THE FAIR MARKET VALUE AND AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF EASEMENTS THROUGH CERTAIN REAL PROPERTY OWNED BY HWY 151 & 61 DEVELOPMENT, LLC. IN THE CITY OF DUBUQUE, IOWA**

Whereas, the City of Dubuque (City) intends to acquire certain permanent and temporary easements (the Easements) through real property owned by HWY 151 & 61 Development, LLC, (Owner), at East 16<sup>th</sup> Street property legally described as Lot 2 Riverview Plaza No. 3; and described in Permanent Easement Exhibit A and Permanent Easement Exhibit B 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 Easements before proceeding with condemnation; and

Whereas, City has caused an appraisal of the Easements to be made and the appraised value of the Easements is \$123,000.00; 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 property.

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

1. The fair market value of the Easements is hereby established to be \$122,000.00.
2. The City Manager is hereby authorized to commence negotiations with the Owner of the Easements and any other interested parties for the purchase of the Property 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 Easements by eminent domain should negotiations fail.

Passed, approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Roy D. Buol, Mayor

Attest:

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Kevin S. Firstahl, City Clerk