RESOLUTION NO.

ESTABLISHING THE FAIR MARKET VALUE AND AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF EASEMENTS THROUGH CERTAIN REAL PROPERTY OWNED BY CANADIAN PACIFIC RAILWAY IN THE CITY OF DUBUQUE, IOWA

Whereas, the City of Dubuque (City) intends to acquire permanent and temporary easements (the Property) through certain real property owned by Canadian Pacific Railway (Owner), at 506 Garfield Avenue as shown on Permanent Easement Exhibit A, Temporary Easement Exhibit B, and Temporary Easement Exhibits C and D 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 $81,000.00; 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 easements shown in Permanent Easement Exhibit A, Temporary Easement Exhibit B, and Temporary Easements Exhibits C and D (the Easements).

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 $101,440.00.

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 Easements 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:

_____
Kevin S. Firnstahl, City Clerk