

**BUSINESS OF THE CITY COUNCIL  
WINDSOR HEIGHTS, IOWA  
AGENDA STATEMENT**


Item No. \_\_\_\_\_7\_\_\_\_\_   
For Meeting of \_\_\_\_\_06/01/09\_\_\_\_\_

**ITEM TITLE:** Public Hearing and consideration of resolution authorizing use of power of eminent domain for the acquisition of 6336 Hickman Road.

**CONTACT PERSON:** Marketa George Oliver, City Administrator  
Gary Walters, Police Chief

**SUMMARY EXPLANATION:**

The Council directed staff to put the property owner 6336 Hickman on notice that the City had intentions to acquire the property, with the use of eminent domain. Those notices have been served and the purpose of today's action is to hold a public hearing and then to consider the attached resolution, which authorizes the use of eminent domain. John Hintze from Ahlers will be here Monday night to answer any questions. The next step will be to work with the property owner to have an appraisal completed on the property.

<p><input checked="" type="checkbox"/> Resolution _____ Ordinance _____ Contract _____ Other (Specify) _____</p> <p>Funding Source _____</p> <p>APPROVED FOR SUBMITTAL _____  City Administrator</p>
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**STAFF RECOMMENDATION:** Pass resolution on a roll call vote.

**COUNCIL ACTION:**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING USE OF POWER OF EMINENT DOMAIN**

WHEREAS the City of Windsor Heights is considering acquiring certain property in its Amended and Restated Urban Renewal Area, which its City Council has determined to be in a blighted condition, to eliminate said blighted condition and for redevelopment purposes, including the widening of Hickman Road from 4 to 6 lanes, and

WHEREAS the City Council of the City of Windsor Heights is fully informed in the premises:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS:

Section 1. The public project to be known as the Hickman Road Redevelopment Project (the “project”) and described as follows, to wit:

The acquisition of fee simple title to and termination of all leases and easements to the following described property:

The North 245 feet (except West 30 feet and except Highway) of Lot 4 in Suburban Farms, an Official Plat in Windsor Heights, Polk County, Iowa, more particularly described as follows:

Commencing at the northeast corner of Lot 4, Suburban Farms, an Official Plat in Windsor Heights, Polk County, Iowa; thence S 00° (Degrees) 10' (Minutes) 13" (Seconds) E along the easterly line of said Lot 4 for 2.50 feet to the Point-of-Beginning and also being the South Right of Way line of Hickman Road; thence continuing S 00° 10' 13" E along said easterly line of Lot 4 for 242.62 feet; thence S 89° 45' 15" W for 124.58 feet; thence N 00° 10' 13" W for 242.62 feet to the southerly Right of Way of Hickman Road; thence N 89° 45' 15" E along said southerly Right of Way for 124.58 feet to the Point of Beginning.

This parcel contains 0.69 acres and is subject to easements of records.

(locally known as 6336 Hickman Road)

(the “necessary property interest”).

is hereby approved.

Section 2. The project is for a public purpose and will serve the public interest through rehabilitation, redevelopment, development, or a combination thereof of the necessary property interest, which is necessary to eliminate blight, and the widening of Hickman Road from 4 to 6 lanes, in the interest of the public health, safety or welfare of the residents of the City.

Section 3. The law firm of Ahlers & Cooney, P.C., 100 Court Avenue, Suite 600, Des Moines, Iowa, 50309 (“the representative”) is directed to enter into good faith negotiations for purchase of the necessary property interest after the City Council of the City of Windsor Heights has set just compensation as required by law.

Section 4. The representative is hereby directed to obtain an appraisal of the above described property to determine the fair market value of the property.

Section 5. It is hereby determined to be reasonable and necessary to acquire the necessary property interest for the completion of the project. To complete acquisition of the necessary property interest the use of eminent domain powers is hereby approved. It is specifically found that there is a reasonable expectation that the project will achieve its public purpose, will be completed, will comply with all applicable standards and obtain all necessary permits.

PASSED AND APPROVED this date: [ADOPTION DATE OF RESOLUTION APPROVING USE OF EMINENT DOMAIN] \_\_\_\_\_.

\_\_\_\_\_  
David J. Sullivan, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Marketa George Oliver, City Administrator

\_\_\_\_\_  
APPROVED AS TO FORM:

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Attorney for the City of Windsor Heights