

RESOLUTION NO. 1423

RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS FOR THE PUBLIC IMPROVEMENTS FOR S. DOWNEY STREET AND TIDEWATER DRIVE, WEST BRANCH, IOWA.

WHEREAS, as part of the redevelopment of the Casey's site, the City Council of the City of West Branch heretofore deemed it necessary and desirable to reconstruct S. Downey Street and Tidewater Drive (the "Project"); and

WHEREAS, to complete the Project, the City needs to acquire certain property interests; and

WHEREAS, if necessary, the City proposed to acquire the property interests needed for this Project via the use of the power of eminent domain; and

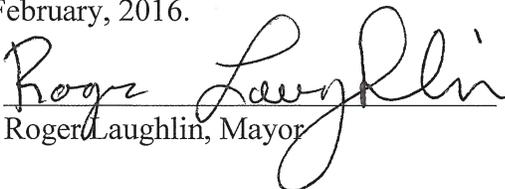
WHEREAS, pursuant to Section 6B.2C of the Code of Iowa (2015), the authority to condemn property is not conferred, and condemnation proceedings shall not commence, unless the governing body for the acquiring agency approves the use of condemnation and there is a reasonable expectation the applicant will achieve its public purpose, comply with all reasonable standards, and obtain all necessary permits.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, that the use of the power of eminent domain to acquire all property interests necessary for the completion of the Project is hereby approved.

BE IT FURTHER RESOLVED that the City Administration is directed to proceed with the proposed acquisitions of property rights necessary to complete this Project and comply with all reasonable standards and obtain all necessary permits necessary to further said Project in accordance with applicable law.

BE IT FURTHER RESOLVED that the City Administrator is hereby directed to determine fair market value for said property interests and to investigate and approve relocation claims, if any, via agreement, gift, trade or condemnation. Further, the Mayor and City Clerk are, upon advice of the City Attorney, hereby directed to execute any and all documentation necessary to complete said acquisitions without further approval.

Passed and approved this 2nd day of February, 2016.


Roger Laughlin, Mayor

ATTEST:



Matt Muckler, City Administrator/Clerk