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| RESOLUTION NO. | LEG\_NUM\_TAG |

RESOLUTION AUTHORIZING MAILING AND PUBLICATION OF NOTICE OF INTENT TO PROCEED WITH AN APPROVED PUBLIC IMPROVEMENT PROJECT FOR [Project Name] (CIP No. [No.]) AND TO COMMENCE THE ACQUISITION OF PROPERTY FOR THE PROJECT AND SETTING DATE OF PUBLIC HEARING

 WHEREAS, under the provision of Sections 6B.2A and 6B.2B of the Iowa Code, a governmental body which proposes to acquire property under power of eminent domain for a public improvement project is required to give notice of intent to commence the project to all property owners of agricultural land whose properties may be acquired in whole or in part for the project, and

 WHEREAS, the City Public Works Department through its consultant, [Consultant Name], has prepared plans and exhibits which show said proposed improvements and identifies the proposed properties where right-of-way activity, i.e. construction easements, permanent easement, and fee takings, are required, and

 WHEREAS, the Public Works Department has not yet commenced right-of-way activity, i.e. construction easements, permanent easements and fee takings, and

 WHEREAS, the City Council previously allocated funds for said improvements in the Capital Improvements Program, and

 WHEREAS, before the City of Cedar Rapids can proceed with said project, the City Council must:

1. Hold a public hearing, providing the opportunity for public input on the question to continue the approved public improvement and on the acquisition or condemnation of property for the project, and
2. Adopt a resolution a) to continue the approved project, and b) to authorize the acquisition of the properties and property interests not yet acquired for the project by negotiation or condemnation.

 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, that the plans and exhibits for said improvement to be known as the [Project Name] (CIP No. [No.]) as prepared by the City Public Works Department showing the proposed improvement and identifying the proposed properties and property interests to be acquired for the project; i.e. construction easements, permanent easements, and fee takings, be and are hereby received and put on file for public inspection.

 BE IT FURTHER RESOLVED, that at a subsequently scheduled City Council Meeting at the City Council Chambers, 3rd Floor, City Hall**, in the City of Cedar Rapids**, on the [Day] day of [Month], [Year] at [Time] [a or p].m. the City Council will:

1. Hold a public hearing, providing the opportunity for public input on the question to continue an approved public improvement and on the acquisition or condemnation of properties and property interests not yet acquired for the project, and
2. Vote on a resolution a) to continue an approved project, and b) authorize the acquisition of the properties and property interests not yet acquired for the project by negotiation or condemnation.

 BE IT FURTHER RESOLVED, that the Public Works Director and City Clerk are hereby instructed to cause notice to be published and mailed as required by law of the pendency of this resolution and of the time and place of the hearing at which persons interested in the proposed project may present their views regarding the project and regarding the acquisition of property for the project; said Notice of Intent to be in substantially the attached form.

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| MayorSignature |

Attest:

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| ClerkSignature |

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| LEG\_TABLED\_TAG |

NOTICE OF INTENT TO PROCEED WITH AN

APPROVED PUBLIC CAPITAL IMPROVEMENTS PROJECT KNOWN AS [Project Name] AND TO ACQUIRE THE NECESSARY PROPERTIES, RIGHTS-OF-WAY, PERMANENT EASEMENTS AND TEMPORARY EASEMENTS

(CIP No. [No.])

 Property Owners

That May be Affected Location of Affected Properties

TO: [Property Owner] [Ag Property Legal Description]

[Property Owner] [Ag Property Legal Description]

[Property Owner] [Ag Property Legal Description]

and other Cedar Rapids and Linn County residents

Under the provisions of Section 6B.2A and 6B.2B of the Iowa Code, a governmental body which proposes to acquire property under power of eminent domain for a public improvement project, is required to give notice of intent to commence the project to all property owners of agricultural land whose properties may be acquired in whole or in part for the project.

1. DESCRIPTION OF THE PROJECT; INTENDED USE OF PRIVATE PROPERTY TO BE ACQUIRED.

NOTICE IS HEREBY GIVEN that the City Council of the City of Cedar Rapids will consider proceeding with an approved project, described as follows:

[Project Name]

(CIP No. [No.])

[Short Summary of Project Improvements] Properties acquired for the project will be by fee title, permanent easement and temporary construction easements.

1. PRIVATE PROPERTY MAY BE ACQUIRED BY PURCHASE OR CONDEMNATION.

If the City Council elects to proceed with the above-described project, it will be necessary to acquire property for the project improvements. Upon review of Cedar Rapids property records, it appears that properties or portions of properties owned by the above-identified persons may have to be acquired for the project. The City will attempt to purchase the required property by good faith negotiations, and it may condemn properties if compensation amounts offered by the City are not acceptable to the property owner. The proposed location of the above described public improvement is shown on a conceptual drawing, plan, or plat of the project which is on file in the office of the City Clerk and available for public inspection.

3. CITY PROCESS TO DECIDE TO PROCEED WITH THE PROJECT AND TO ACQUIRE PROPERTY; CITY COUNCIL ACTION REQUIRED TO PROCEED WITH PROJECT; OPPORTUNITY FOR PUBLIC INPUT.

The Cedar Rapids City Council authorized the City Engineer to proceed with this said project on [Consulting Engineer Contract Date]. In order to acquire the necessary properties and property interests required for the project, the City Council is required to authorize continuation of the project by Council resolution. The City has provided funding in its current capital improvements budget to acquire property and property interests for the project and to construct the project improvements. Any public comment will be considered in determining whether to acquire property for the project and whether to continue with the construction of the project improvements.

The City Council will hold a public hearing, giving persons interested in the project the opportunity to present their views regarding the project, and regarding the acquisition of property for the project. The public hearing on the project will be held during the City Council’s regularly scheduled meeting on the [Day] day of [Month], [Year] in the City Council Chambers, 3rd Floor, City Hall, 101 First Street, Cedar Rapids, Iowa, commencing at [Time]. In order to continue the above-described project and commence the acquisition of private property for the project by Council resolution, the City Council is scheduled to consider adoption of a resolution to that effect during the City Council’s regularly scheduled meeting on the [Day] day of [Month], [Year] in the City Council Chambers, 3rd Floor, City Hall, 101 First Street, Cedar Rapids, Iowa, commencing at [Time].

If the City Council decides to proceed with the project, an appraiser will provide our opinion of the value of the property to be acquired. The City will offer no less than the appraised value and will offer to purchase only the needed property by good faith negotiations. If the City is unable to acquire properties needed for the project by negotiation, the City may proceed to acquire those properties by exercising the eminent domain authority and proceeding with the condemnation process.

1. STATUS OF PROJECT PLANNING.

Construction of the [Project Discription] is anticipated to occur during Fiscal Year [Year]. The City Council, per Resolution No. [Reso. No.] dated [Consulting Engineer Contract Date], authorized execution of a contract with [Consultant] for project design and acquisition plat preparation.

1. STATEMENT OF RIGHTS.

Just as the law grants certain entities the right to acquire private property, you as the owner of property have certain rights. You have the right to:

1. Receive just compensation for the taking of property. (Iowa Const., Article 1, Section 18)
2. An offer to purchase which may not be less than the lowest appraisal of the fair market value of the property. (Iowa Code §6B.45, 6B54)
3. Receive a copy of the appraisal, if an appraisal is required, upon which the acquiring agency’s determination of just compensation is based not less than 10 days before being contacted by the acquiring agency’s acquisition agent. (Iowa Code §6B.45)
4. When an appraisal is required, an opportunity to accompany at least one appraiser of the acquiring agency who appraises your property. (Iowa Code §6B.54)
5. Participate in good faith negotiations with the acquiring agency before the acquiring agency begins condemnation proceedings. (Iowa Code §6B.3 (1))
6. If you cannot agree on a purchase price with the acquiring agency, a determination of just compensation by an impartial compensation commission and the right to appeal its award to district court. (Iowa Code §§6B.4, 6B.7, and 6B.18)
7. A review by the compensation commission of the necessity of the condemnation if your property is agricultural land being condemned for industry; (Iowa Code §6B.4A)
8. Payment of the agreed upon purchase price or if condemned, a deposit of the compensation commission award before you are required to surrender possession of the property. (Iowa Code §§6B.25 and 6B.54(11))
9. Reimbursement for expenses incidental to transferring title to the acquiring agency. (Iowa Code §§6B.33 and 6B54(10))
10. Reimbursement of certain litigation expenses: (1) if the award of the compensation commissioners exceeds 110 percent of the acquiring agency’s final offer before condemnation; and (2) if the award on appeal in court is more than the compensation commissioner’s award. (Iowa Code §6B.33)
11. At least 90 days written notice to vacate occupied property. (Iowa Code §6B.54(4))
12. Relocation services and payments, if you are eligible to receive them, and the right to appeal your eligibility for and amount of payments. (Iowa Code §316.9)

The rights set out in this Statement are not claimed to be a full and complete list or explanation of an owner’s rights under the law. They are derived from Iowa Code Chapters 6A, 6B and 316. For a more thorough presentation of an owner’s rights, you should refer directly to the Iowa Code or contact an attorney of your choice.

This Notice is given by the authority of the Council of the City of Cedar Rapids.

Published in The Cedar Rapids Gazette on [Date].

Mailed to all affected Property Owners on [Date].

**Final cover sheet will not have a footer (it will be removed by PW Council Agenda staff). The copy in Onbase will not have a footer.**