



ITEM NO. **7A**

**OFFICE OF THE CITY ADMINISTRATOR**  
Johnston, Iowa  
AGENDA COMMUNICATION  
June 20, 2016

**SUBJECT:** Continue the public hearing on Resolution No. 16-103 a resolution approving proceeding with Condemnation of Easements and Property located at 7420 NW 54th Avenue for construction of a public road from NW 54th Avenue to Birchwood Court

**ACTION REQUIRED:**

- Ordinance
- Resolution
- Approval
- Receive/File
- Attorney Review

JPS

**SYNOPSIS**

At their May 16th meeting the City Council opened a public hearing to discuss the condemnation of easements for the construction of a road from NW 54th Avenue to Birchwood Court. The City Council voted to continue the hearing until the June 20th meeting.

On May 25th a meeting was held with Mayor Dierenfeld and council member Cope and representatives of the Green Meadows West Homeowner Association Board to discuss the project.

On June 7th a public meeting was held to discuss the proposed road connection. At the meeting the city presented information regarding the project including the results of a traffic study. There was significant public comment at the meeting. As a result of the meeting the City Council is being asked to consider establishing a working group to identify and discuss issues related to the construction of a road from NW 54th Avenue to Birchwood Court (a proposed resolution, No. 16-133, is on the consent agenda).

It has been determined that it is best not to move forward with the condemnation of the easements for the road extension until the working group has an opportunity to identify and discuss the issues.

FISCAL IMPACT

RECOMMENDATION

Close the public hearing and take no action on resolution No. 16-103.

## **RESOLUTION NO. 16-103**

### **RESOLUTION APPROVING PROCEEDING WITH CONDEMNATION OF PROPERTY OWNED BY RICHARD R. AND JO ANN ROBBINS**

WHEREAS, a Notice of Public Hearing to consider condemnation of certain property for the construction of a public road from NW 54th Avenue to Birchwood Court has been published; and

WHEREAS, said public hearing has been held as required by law in accordance with the notice and those interested in the condemnation have been given due opportunity to be heard and have presented their views to the City Council;

THEREFORE, BE IT RESOLVED BY THE JOHNSTON CITY COUNCIL, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the City Council hereby overrules any objections to proceeding with the condemnation and closes the public hearing.

BE IT FURTHER RESOLVED, that the City Attorney is hereby authorized to proceed with the condemnation of the property owned by Richard R. and Jo Ann Robbins and legally described as follows:

#### **LEGAL DESCRIPTION FOR THE PROPERTY SUBJECT TO THE TEMPORARY EASEMENT, A:**

PART OF THE LOT 1 AND SOUTH 7.00 FEET OF LOT A (NW 54TH AVENUE), EXCEPT THE EAST 25.00 FEET THEREOF IN SCHULTZ ACRES, AN OFFICIAL PLAT, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 IN SCHULTZ ACRES; THENCE N00°34'00"W, 7.00 FEET ALONG THE EAST LINE OF SAID LOT A IN SCHULTZ ACRES; THENCE S89°39'55"W, 25.00 FEET ALONG THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT A TO THE POINT OF BEGINNING; THENCE S00°34'00"E, 221.18 FEET ALONG THE WEST LINE OF THE EAST 25.00 FEET OF SAID LOTS A AND 1 AND EXTENDED; THENCE S89°39'55"W, 30.00 FEET; THENCE N00°34'00"W, 24.18 FEET; THENCE S89°26'00"W, 60.00 FEET; THENCE N00°34'00"W, 60.00 FEET; THENCE N62°52'06"E, 67.08 FEET; THENCE N00°34'00"W, 107.00 FEET TO THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT A; THENCE N89°39'55"E, 30.00 FEET ALONG THE NORTH LINE OF THE SOUTH 7.00 FEET OF SAID LOT A TO THE POINT OF BEGINNING. CONTAINING 11,135 SQUARE FEET.

**AND**

#### **LEGAL DESCRIPTION FOR THE PROPERTY SUBJECT TO THE PERMANENT EASEMENT, B:**

PART OF LOT 1, EXCEPT THE EAST 25.00 FEET THEREOF, IN SCHULTZ ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S89°39'55"W, 25.00 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE S00°34'00"E, 125.00 FEET ALONG THE WEST LINE OF THE EAST 25.00 FEET OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE CONTINUING S00°34'00"E, 45.00 FEET ALONG THE WEST LINE OF THE EAST 25.00 FEET OF SAID LOT 1; THENCE S89°26'00"W, 70.00 FEET; THENCE N00°34'00"W, 45.00 FEET; THENCE N89°26'00"E, 70.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3,150 SQUARE FEET.

**AND**

**LEGAL DESCRIPTION FOR THE PROPERTY TO BE ACQUIRED, C:**

THE EAST 25.00 FEET OF THE SOUTH 7.00 FEET OF LOT A (NW 54TH AVENUE) IN SCHULTZ ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA. CONTAINING 175 SQUARE FEET.

**Passed this \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
PAULA DIERENFELD, MAYOR

ATTEST:

\_\_\_\_\_  
CYNDEE RHAMES, CITY CLERK