

RESOLUTION NO. ____-14

**RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE OWNED BY
PHIL L. MIHALAKIS AND STEVEN M. LAMPE, D/B/A MARDE ENTERPRISES, IN
THE CITY OF DUBUQUE**

Whereas, the City of Dubuque intends to acquire certain real estate located immediately adjacent to the area of the Bee Branch Creek Restoration Project for stormwater mitigation activities as recommended in the 2001 "Drainage Basin Master Plan" as amended in 2013; and

Whereas, this certain real estate is not currently part of or located within the Bee Branch Creek Restoration Project; and

Whereas, the owners of this certain real estate approached the City of Dubuque voluntarily and proposed that the City of Dubuque acquire the property for possible future addition to, but not currently as part of, the Bee Branch Creek Restoration Project; and

Whereas, the 2008 Dubuque Comprehensive Plan's Transportation Goals calls for the establishment of improved hike and bike routes in the City to encourage alternative modes of transportation; and

Whereas, the acquisition of the property would provide space for the construction of a hike/bike path connection between the 26-mile Heritage Trail and the City's 14-mile Mississippi Riverfront trail system; and

Whereas, the acquisition of this real estate is a voluntarily negotiated purchase by the City of Dubuque under Section 6B.1A of the Code of Iowa, and is not an acquisition by the City of Dubuque through its exercise of the power of eminent domain under Chapter 6B of the Code of Iowa; and

Whereas, a purchase agreement has been finalized with the owners of the real estate scheduled for acquisition and an Acknowledgment of Voluntary Negotiation has been executed by the owner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. That the City of Dubuque, Iowa hereby approves the acquisition of the following legally described real estate:

LOT 1 of Marde Place

at the cost of Two Hundred Ninety Thousand and 00/100 Dollars (\$290,000.00).

Section 2. That the City of Dubuque be and is hereby authorized to accept a Warranty Deed from the owners, conveying the owner's interest to the City of Dubuque, Iowa for the herein described real estate.

Section 3. That the City Clerk be and is hereby authorized and directed to cause said Warranty Deed to be recorded in the office of the Dubuque County Recorder, together with a certified copy of this Resolution.

Section 4. That the City Clerk be and is hereby directed to forward a copy of this Resolution to the Dubuque County Assessor and the Dubuque County Auditor.

Passed, approved and adopted this ____ day of _____, 2014.

Roy D. Buol, Mayor

Attest:

Kevin S. Firnstahl, City Clerk