

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 21, 2010 AGENDA**

Subject:	Type:	Submitted By:
LAND ACQUISITION - THOMPSON CREEK GRANT PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

A public hearing has been scheduled to hear comments, support, opposition or criticism with respect to the proposed purchase of properties located at 7548 Valley Road, 7602 Valley Road, and 7601 South 73rd Avenue. A resolution has been prepared to approve the purchase of the sites and to authorize and approve the execution of documents for the purchase of these sites located in the Thompson Creek grant project area.

FISCAL IMPACT

The FY 09/10 Budget contains funding for this project. Costs to acquire these three properties will be reimbursed as part of the federal Thompson Creek Hazard Mitigation Grant.

RECOMMENDATION

Approval.

BACKGROUND

At the February 2, 2010 City Council meeting the Council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of up to 24 homes along Thompson Creek. In March and April agreements were approved for the appraisal, review appraisal, and acquisition services.

Upon completion of the appraisals the City Council designated the City Administrator to negotiate the purchase of the homes in the project area.

Currently there are three property owners that have accepted the offered price and are ready to sell their properties this month.

Pursuant to state statute, before purchasing an interest in real property, the acquisition must be authorized by City Council action at a public meeting after notice and public hearing which requirements will be satisfied at or before the meeting.

Additional offers have been accepted and will come before Council at a future meeting.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF THREE HOMES FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THESE SITES

WHEREAS, the owners of the homes located at 7548 Valley Road, 7602 Valley Road, and 7601 South 73rd Avenue (together the homes are referred to herein as "Sites"), desire to sell the Sites to the City, and the City desires to purchase the Sites from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Sites; and.
- (iii) Proposed purchase agreements for the Sites have been presented to the City Administrator by the owners of the Sites in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price equal to the appraised value, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Sites or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Sites, to be held during the regular City Council meeting on September 21, 2010; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Sites from a certified real estate appraiser, which appraisals established each Site's fair market value at an amount equal to or greater than the price stated in the documents referred to in (iii) above, and which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Sites as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

PASSED AND APPROVED THIS 21ST DAY OF SEPTEMBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk