


COUNCIL COMMUNICATION

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|  | Number: | 21-421 | Meeting: | October 4, 2021 |
| | Agenda Item: | 51 | Roll Call: | 21-1518 |
| | Submitted by: | Steven L. Naber, P.E., City Engineer | | |

AGENDA HEADING:

Authorization to proceed with acquisition of the necessary property interests for the Lower Fourmile Creek Greenway Project by gift, negotiation, or eminent domain.

SYNOPSIS:

Recommend approval of authorization to proceed with acquisition of the necessary property interests for the Lower Fourmile Creek Greenway Project by gift, negotiation, or eminent domain. This action is required by Iowa law before the City can initiate the acquisition process under eminent domain. This project provides for the continued implementation of the Lower Fourmile Creek Greenway Master Plan under a multi-year plan to acquire and remove structures in the 100-year floodplain. Relocation assistance will be required for several of these acquisitions.

FISCAL IMPACT:

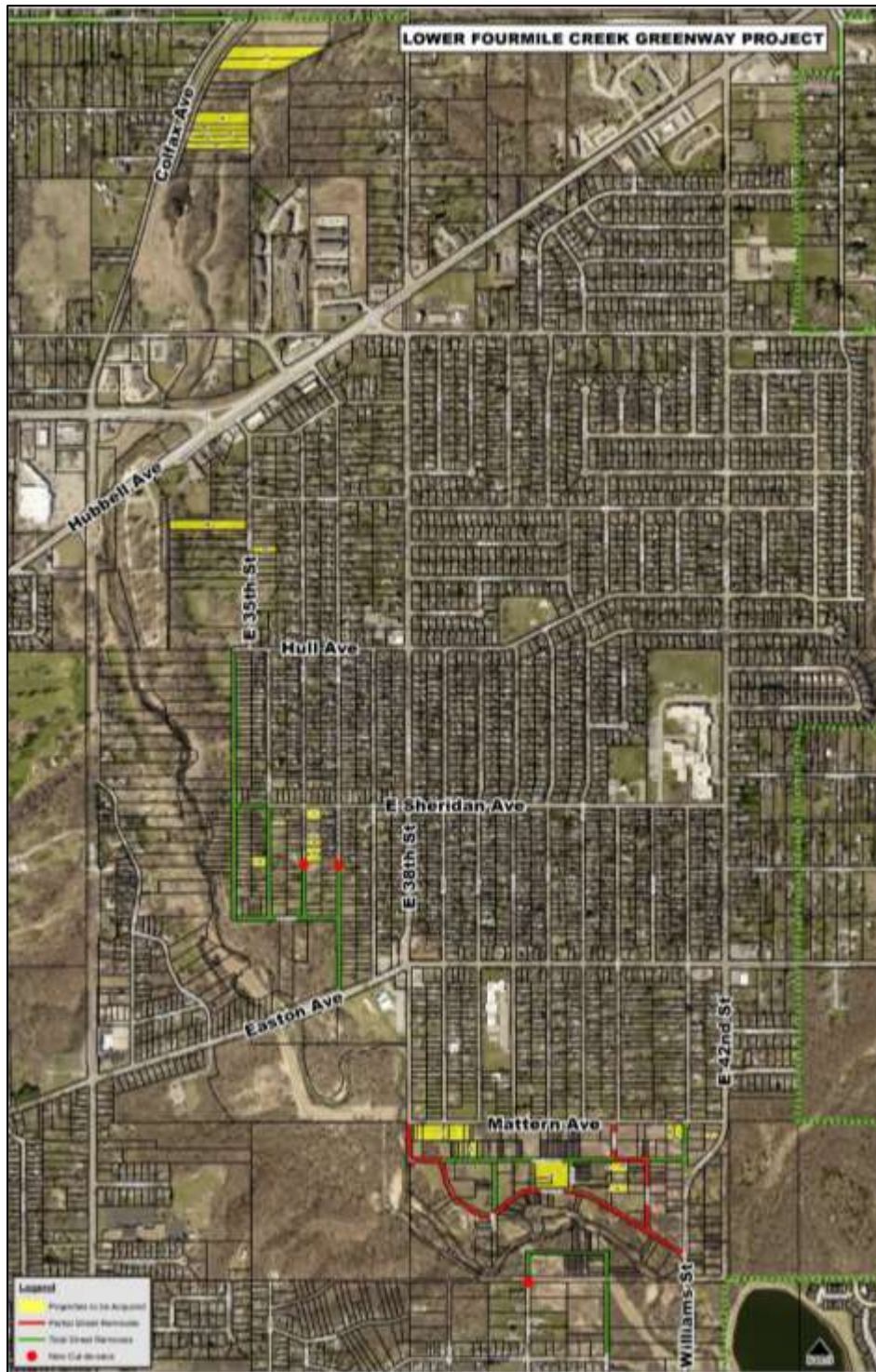
Amount: \$3,500,000 estimated acquisition, relocation, demolition, closing costs and labor to occur over the next five (5) or six (6) years

Funding Source: 2021-22 Operating Budget, Page 83, Finance Department, Local Option Sales and Services Tax (LOSST), ND414000, Local Option Sales Tax Fund

ADDITIONAL INFORMATION:

- On November 6, 2017, by Roll Call No. 17-1901, City Council approved the Lower Fourmile Creek Greenway Master Plan (“Greenway”) that was developed as a joint effort between the City of Des Moines, City of Pleasant Hill, Polk County, Polk County Conservation Board (PCCB), Polk County Soil and Water Conservation District and the Fourmile Creek Watershed Management Authority.
- On July 15, 2019, by Roll Call No. 19-1121, City Council approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement between the City of Des Moines and PCCB.
- In order to fully implement the Lower Fourmile Creek Greenway Project (“Project”), it is necessary for City Council to authorize acquisition of certain private properties by gift, negotiation, or eminent domain.

- With the exception of properties needed for City parkland purposes, all of the acquired properties will be conveyed to Polk County, Iowa for the use and benefit of PCCB, in accordance with the above-referenced 28E agreement, including the vacation and removal, or partial removal, of several streets that will be incorporated into the Greenway.
- On September 17, 2021, under provisions of 6B.2D of the Iowa Code, Notices of the proposed resolution authorizing acquisition of private property by eminent domain for Watershed Management purposes were mailed to each affected property owner, contract purchaser of record, and any tenants known to be occupying the properties required for the project.
- The affected property owners have the right to attend the City Council meeting on October 4, 2021, and to voice any objections to the proposed acquisition of the properties.
- At this time, 47 total tax parcels from 27 property owners are needed for this project. Relocation assistance will be required on several of these properties.



PREVIOUS COUNCIL ACTION(S):

Date: July 15, 2019

Roll Call Number: [19-1121](#)

Action: [Lower](#) Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with Polk County Conservation Board. ([Council Communication No. 19-322](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Future public hearing for conveyance of acquired properties to Polk County, Iowa for the use and benefit of the Polk County Conservation Board.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.