

**OFFICE OF THE CITY MANAGER
DES MOINES, IOWA**

**CITY COUNCIL COMMUNICATION 96-270
JUNE 24, 1996 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
NOISE COMPATIBILITY PLAN, PHASE II	◆ RESOLUTION ORDINANCE RECEIVE/FILE	HAROLD E. SMITH CITY ENGINEER

SYNOPSIS —

The implementation manual for the Resale Assurance and Easement Acquisition Program of the approved Noise Compatibility Program details the required steps for obtaining noise and avigation easements through purchase or resale assurance payments and proposes major components which are:

- Eligibility to approximately 764 residential properties which lie within the previously approved 70 Ldn noise contours if the homeowners reside at these properties prior to July 1, 1996 and sign up for this voluntary program prior to December 31, 1996;
- A priority system based on points, which is consistent with the approved noise compatibility program giving priority to those who have lived in the area longest and giving priority to hardship cases as defined in the manual;
- Includes a form of noise and avigation easement which has received tentative approval from FAA and includes a Non-suit Clause that has been valued at \$500 of the \$2,000 total nominal easement valuation;
- Includes a Resale Assurance Option for those owner occupants that want to move out of the area which provides a \$2,000 Real Estate Commission Assistance Fee and differential payments if the property does not sell within the marketing period and is approved for listing below the appraised fair market value; and
- Includes a \$2,000 purchase option for those owner occupants that want to continue living in the area. It is anticipated to take about three years to complete the acquisition of all noise and avigation easements from those homeowners who volunteer for the Resale Assurance or Purchase Options of the program.

Public information meetings were held on November 28, 1995 and June 18, 1996 to inform the public and receive their comments on the proposed implementation plan.

FISCAL IMPACT —

Funding for the Professional Service Agreement and the Easement Acquisition Program are provided for on page 22 (fund code 317065) of the approved 1995-96/2000-01 CIP. The FAA grants will provide 90 percent of the funds for the Phase II Noise Compatibility Program. Airport Enterprise funds will provide the necessary 10 percent local match of project expenses.

RECOMMENDATION —

Adopt the manual of implementation procedures for Phase II of the approved Noise Compatibility Program.

Direct the City Engineer to submit the adopted manual to the FAA for final approval and negotiate consultant services to acquire these easements.

BACKGROUND —

On May 4, 1992, by Roll Call No. 92-1617, the City Council approved the content of a revised amendment to the approved Airport Noise Compatibility Plan that provided for, as part of a voluntary program the acquisition of approximately 704 noise and avigation easements on property located between the 70 and 75 Ldn Noise Contours as shown on the 1994 Unabated Noise Contour Maps for the Des Moines International Airport. Subsequently, the City Council authorized the Mayor to execute three separate FAA Grants totaling \$5,860,800 to fund the acquisition of the noise and avigation easements. Changes in FAA regulations and procedures which occurred after the execution of the Grant Agreements delayed the implementation of the easement acquisition project. On February 27, 1995, by Roll Call No. 95-794 the City Council authorized the City Manager to proceed with the selection of qualified firms to provide the professional services for a Nominal Value Finding Study and to develop implementation procedures. On August 21, 1995, by Roll Call 95-3256, the City Council approved the professional services agreement between the City of Des Moines and W.D. Shock Company, Inc. and directed the Airport Board to execute the agreement. On September 5, 1995, by Resolution No. A95-204, the Airport Board approved a professional services contract with W.D. Shock Company, Inc. in an amount not to exceed \$193,397.12 to develop a Nominal Value Finding for a noise and avigation easement and to further develop the implementation steps for the Noise Compatibility Program, Phase II. On February 5, 1996, a joint informational meeting with the Airport Board and the City Council was held to explain the justification for the proposed \$2,000 nominal value finding for the noise and avigation easement which had received preliminary approval from FAA on January 8, 1996. On May 16, 1996, the implementation manual received tentative approval from FAA subject to review comments which have been addressed in the proposed manual and subject to City Council adoption of the plan. Once approved by the City Council, the plan can be forwarded to the FAA for their final review and approval. When the plan is approved by FAA, the Easement Acquisition and Resale Assurance Program can begin.