

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

99-256

SYNOPSIS -

AGENDA:

JUNE 7, 1999

SUBJECT:

USE OF EMINENT
DOMAIN TO
ACQUIRE THE
AIRPORT BAPTIST
CHURCH AND
ADJACENT
RESIDENTIAL
PROPERTY AT
2500/2600 ARMY
POST ROAD

TYPE:

**RESOLUTION
ORDINANCE
RECEIVE/FILE**

SUBMITTED BY:

WILLIAM
FLANNERY
AVIATION
DIRECTOR

Since the initial offer was made to purchase the Airport Baptist Church (Church) and adjacent property at 2500/2600 Army Post Road, a number of changes have occurred to the area surrounding the Church property. These changes include the opening of new Army Post Road, the elimination of old Army Post Road between the Church and Fleur Drive, acquisition by the Airport of all of the properties immediately to the east, south, and west of the Church, and the rezoning of all of the Airport-owned properties around the Church to M-3.

On May 20, 1999, the City Plan and Zoning Commission approved an application from the Church to rezone their property at 2500/2600 Army Post Road from the existing "R1-80" One Family Residential District to "M-3" Limited Industrial District. The Commission also found the requested rezoning to be in conformance with the Des Moines 2000 Land Use Plan. The public hearing before the City Council on this rezoning request is scheduled for June 7, 1999. This rezoning, if approved by the City Council, will allow the property to be redeveloped into a privately owned industrial use, located as an island completely surrounded by Airport-owned property. In addition, it will require a section of old Army Post Road east of SW 28th Court to remain open for the foreseeable future as a City street to provide access to this property.

The approved Airport Master Plan calls for the Church property to become part of the Airport proper. Given that the Airport currently owns all of the property around the Church and may want to close that portion of old Army Post Road, east of SW 28th Court in the future, it is in the best interest of the Airport to purchase this property, rather than allowing it to be redeveloped into a privately owned industrial use property. Therefore, it is recommended that the City Council authorize the acquisition of this property by gift, purchase, or eminent domain for the purpose of Airport expansion and/or Airport use.

FISCAL IMPACT-

Funding for the acquisition of this property has been provided for in the Capital Improvement Program (CIP) Budget under Account Code 319566 - Land Acquisition and Development - Future Expansion. Funds for the purchase of property for Airport expansion are available from the recently issued Aviation System Revenue Bonds, Series 1998.

RECOMMENDATION-

The Airport Board, by telephonic poll, recommends approval to the City Council for the authorization for the use of eminent domain, if necessary, for the acquisition of the Church property, including the residential property east of the Church.

BACKGROUND-

On March 7, 1995, by Resolution No. A95-51, the Airport Board approved a Revised Airport Master Plan. The Revised Master Plan identified certain properties south of the Airport for acquisition for future Airport development. The Revised Master Plan recommended the commencement of voluntary acquisition of some of the properties in the area on a hardship basis and as Airport funds are available. On June 9, 1998, by Resolution No. A98-221, the Airport Board amended the Hardship Land Acquisition Program to a voluntary Land Acquisition Program as Airport funds are available.

Based on a written request, on June 9, 1998, by Resolution No. A98-186, the Airport Board authorized the City Engineer to initiate the voluntary acquisition of the Airport Baptist Church along with the adjacent residential property owned by the Church at 2500/2600 Army Post Road. On November 3, 1998, by Resolution No. A98-394, the Airport Board set fair market value for the property, including the adjacent residential property, at \$1,770,000 and authorized City staff to make a formal offer in the amount of \$1,770,000. After the formal offer was made by City staff, negotiations between the parties have been on-going including counter offers by both parties. Unfortunately, these negotiations have not been successful in

obtaining an acceptable agreement between the parties.

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