



Council Communication

Office of the City Manager

Date June 18, 2007

Agenda Item No. 14
Roll Call No. 07-
Communication No. 07-374
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Resolution establishing fair market value for a permanent easement for wetlands mitigation located in northeast Polk County from the Iowa Natural Heritage Foundation for the American Discovery Trail – Phase 3 Project.

SYNOPSIS:

Recommend approval of Fair Market Value. This action establishes fair market values and approves acquisition of property interests, which is required by State law before the City can proceed with an offer to purchase the necessary properties under the threat of eminent domain.

FISCAL IMPACT:

Amount: \$72,600 plus closing costs

Funding Source: 2007-08 CIP, Park Improvements - Recreation Trails, PKS045, Page 22.

ADDITIONAL INFORMATION:

The 0.9-mile alignment of Phase 3 of the Walnut Creek Connection of the American Discovery Trail (ADT) will be a ten-foot wide asphalt recreational trail along the east side of Walnut Creek that will connect other segments of the ADT between North Valley Drive and the Bill Riley Trail in Ashworth Park.

Section 404 of the Clean Water Act requires the City of Des Moines to mitigate the loss of wetlands as defined under Executive Order 11990 – Protection of Wetlands. Existing wetlands will be impacted by the construction of the American Discovery Trail – Phase 3 Project. City Staff has identified a suitable wetlands mitigation site near the Chichaqua Bottoms Greenbelt located in northeast Polk County. The site is owned by the Iowa Natural Heritage Foundation (INHF) and currently consists of approximately 113 acres located south of NE 118th Avenue and east of NE 82nd Street. The City plans to acquire a permanent easement over approximately 22 acres of the property ~~to construct the~~ for wetland mitigation ~~site~~ requirements for Phase 3 and potential future phases of this project. The easement has been appraised at \$72,600 and the value is based on an independent appraisal, which has been reviewed by the City of Des Moines Real Estate Division appraiser.

In addition, City and Polk County staff are currently working on a 28E agreement that would provide for an assignment of the easement and the wetlands mitigation site to the Polk County Conservation Board, upon acceptance of the wetlands mitigation site by the United States Army Corps of Engineers. This

assignment would allow Polk County to incorporate the wetlands mitigation site into the adjacent Chichaqua Bottoms Greenbelt property and would relieve the City of all future maintenance and wetlands mitigation compliance with the United States Army Corps of Engineers.

PREVIOUS COUNCIL ACTION(S):

Date: December 6, 2004

Roll Call Number: 04-2609

Action: Authorization to proceed with right-of-way acquisition for the American Discovery Trail, Walnut Creek Connection, Phase III-Segment A, \$450,000. ([Council Communication No. 04-620](#))
Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 16, 2002

Roll Call Number: 02-2976

Action: Revised Trails Plan for the City to include both on-street and off-street trails, and to replace existing Trails Plan maintained by the local Metropolitan Planning Organization, (MPO). ([Council Communication No. 02-640](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Vlassis.**

BOARD/COMMISSION ACTION(S):

Date: November 26, 2002

Roll Call Number: N/A

Action: Approval of Trail Plan by the Des Moines Park and Recreational Board.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE