

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: October 6, 2014
	Agenda Item No. 32 Roll Call No. <u>14-1586</u> Communication No. <u>14-480</u> Submitted by: Benjamin R. Page, Park and Recreation Director, and Pamela S. Cooksey, Interim City Engineer

AGENDA HEADING:

Hold hearing on the intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the McHenry Trail Connection Project by gift, negotiation, or eminent domain.

SYNOPSIS:

Hold hearing authorizing the intent to acquire property for recreational trail purposes and acquisition of the necessary property interests thereof from various property owners for the McHenry Trail Connection 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.

FISCAL IMPACT:

Amount: \$50,000 estimated costs for acquisition of necessary property interests

Funding Source: 2014-15 Capital Improvement Program (CIP), Page Park Improvements -9, Multi-Use Trails, PK045

ADDITIONAL INFORMATION:

Under the provisions of Chapter 6B of the Iowa Code, a governmental body which proposes to acquire property under power of eminent domain for recreational trail purposes is required to give notice of a proposed resolution, motion, or other document authorizing acquisition of property by eminent domain to each property owner, contract purchaser of record and any tenant known to be occupying the property that may be acquired in whole or in part for the recreational trail prior to the date of the meeting at which such proposed authorization will be considered.

The City has mailed notice regarding the proposed resolution authorizing acquisition of property for recreational trail purposes for this project, as required by law. Before further proceeding with the acquisition for recreational trail, the City must (a) hold a public hearing, giving affected persons the opportunity to attend the hearing and present their views and objections regarding the proposed acquisition of private property for the recreational trail project by gift, negotiation, or eminent domain; and (b) adopt a resolution to authorize acquisition of private property for the recreational trail project by eminent domain.

On March 27, 2012, by Resolution No. 12-023, the Des Moines Park and Recreation Board approved the McHenry Park Master Plan which proposed additional trail connections including one (1) alignment that will head west from McHenry Park to the Inter-Urban Trail. This alignment requires the acquisition of private property for construction, operation and maintenance of the proposed trail. Relocation assistance will not be required for this project.



PREVIOUS COUNCIL ACTION(S):

Date: September 22, 2014

Roll Call Number: [14-1468](#)

Action: [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests from various property owners for the McHenry Trail Connection project, (10-6-14). Moved by Coleman to adopt. Motion Carried 7-0.

Date: November 23, 2009

Roll Call Number: [09-2143](#)

Action: [Recommendation](#) to construct a trail connection to McHenry Park as part of the rebuild of the Birdland Levee. ([Council Communication No. 09-828](#)) Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Cownie

Date: October 12, 2009

Roll Call Number: [09-1833](#)

Action: Items regarding Des Moines and Raccoon Rivers Project: ([Council Communication No. 09-720](#))

(A) [Approving](#) Project Partnership Agreement with Department of the Army for construction.
Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: March 27, 2012

Resolution Number: 12-023

Action: Motion by Noland to approve McHenry Park Master Plan. Second by Scavo. Motion carried.

Board: Park and Recreation Board

Date: January 24, 2012

Resolution Number: 12-007

Action: Motion by Koenig-VanderHaar to receive and file McHenry Park Master Plan. Second by Noland. Motion carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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