

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 5, 2018
	<b>Agenda Item No.</b> <b>Roll Call No.</b> <b>Communication No.</b> <b>Submitted by:</b>	<b>14</b> <b><u>18-1830</u></b> <b><u>18-544</u></b> <b>Steven L. Naber, P.E., City Engineer; Benjamin R. Page, Park and Recreation Director</b>

**AGENDA HEADING:**

Resolution to authorize voluntary acquisition and to approve and accept real estate documents for property located north of East Watrous Avenue and west of SE 30th Court from George D. and Margaret J. Fischer for the Des Moines River Trail – Phase 2 Project.

**SYNOPSIS:**

Recommend Council acceptance of real estate documents and authorization for voluntary acquisition of property located north of East Watrous Avenue and west of SE 30th Court for the Des Moines River Trail – Phase 2 Project. This action is required to authorize the purchase of a permanent easement for recreational trail and a temporary easement for construction and construction-related activities from George D. and Margaret J. Fischer, 2880 R63 Highway, Norwalk, Iowa, 50211.

This easement is needed for the second phase of the Des Moines River Trail, a major regional trail that will connect downtown Des Moines to Polk County’s Easter Lake Park and future trails leading to the cities of Carlisle, Indianola and Norwalk and the Summerset National Recreation Trail.

**FISCAL IMPACT:**

Amount: \$43,827 (plus closing costs)

Funding Source: 2018-19 CIP, Page Park Improvements – 8, Multi-Use Trails, PK045, G.O. Bonds Issued

**ADDITIONAL INFORMATION:**

- George D. and Margaret J. Fischer own agricultural property located north of East Watrous Avenue and west of SE 30th Court, as shown on the map below.
- State law prohibits the use of Eminent Domain for the acquisition of agricultural land for recreational trails, so the trail alignment and property negotiations were subject to voluntary participation by the property owners.

- City staff has negotiated a purchase price of \$43,827 for acquisition of a 30-foot wide permanent easement for recreational trail and temporary easement for construction and construction-related activities, which is equal to the fair market value of the property interests based on an independent appraisal obtained by the City.



**PREVIOUS COUNCIL ACTION(S):**

Date: May 7, 2018

Roll Call Number: [18-0749](#)

Action: [Approving](#) Iowa Department of Transportation (IDOT) Agreement for the Des Moines River Trail, Phase 2: SE 22nd Street to Easter Lake. ([Council Communication No. 18-235](#)) Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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