


## COUNCIL COMMUNICATION

	Number:	<b>18-625</b>	Meeting:	<b>November 19, 2018</b>
	Agenda Item:	<b>17</b>	Roll Call:	<b>18-1904</b>
	Submitted by:	<b>Benjamin R. Page, Park and Recreation Director, and Steven L. Naber, P.E., City Engineer</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 Hartford Avenue from Charles A. Hethershaw 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 Hartford Avenue for the Des Moines River Trail – Phase 2 Project. This action is required to authorize the purchase of this property from Mr. Hethershaw, 3314 E. 25<sup>th</sup> Street, Des Moines, Iowa, 50317. Relocation assistance will not be required for this acquisition.

A portion of this property 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 Recreational Trail.

### FISCAL IMPACT:

Amount: \$540,000 (plus closing costs)

Funding Source: Portion for Trail: \$25,000 (plus closing costs): 2018-19 CIP, Page Park Improvements – 8, Multi-Use Trails, PK045, G.O. Bonds Issued; Remaining portion \$515,000 Operating Budget, Page 97, G001 – ND405643 – Non-Departmental (appropriations will be included in the FY2019 Amended Budget – with proceeds coming from FY2018 – excess unassigned fund balance).

### ADDITIONAL INFORMATION:

- Mr. Hethershaw owns property located north of East Watrous Avenue and west of Hartford Avenue, as shown on the map below, consisting of three (3) tracts of agricultural land totaling approximately 57.76-acres and a single-family residential home.

- 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 Mr. Hethershaw. Mr. Hethershaw is only willing to provide property to the City for the trail project if the City purchases his entire 57.76-acres property.
- City staff has negotiated a total acquisition of Mr. Hethershaw's 57.76-acres property for the purchase price of \$540,000, which is equal to the fair market value of the property as determined by the City's Real Estate Division.
- Acquisition of this property allows the trail to be constructed on the preferred trail alignment, which provides for a better connection to existing neighborhoods and maximizes the trail experience for trail users. The preferred trail alignment also maximizes the potential reuse of the remaining property for future public or private uses.



**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:**

City staff will study the potential uses for the remaining property after the trail project is completed and bring back a recommendation to City Council.

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