

Date November 19, 2007

**SET HEARING ON THE INTENT TO ACQUIRE AGRICULTURAL PROPERTY AND AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS THEREOF FROM LEMAR KOETHE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF ARMY POST ROAD AND EAST INDIANOLA AVENUE FOR THE EAST INDIANOLA AVENUE WIDENING PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

WHEREAS, under the provisions of Chapter 6B of the Iowa Code, a governmental body which proposes to acquire agricultural land under power of eminent domain for a public improvement project is required to give notice of intent to commence the project to all owners and record contract purchasers of such agricultural land whose properties may be acquired in whole or in part for the project (See Sections 6A.21(a) and 6B.2A of the Iowa Code); and

WHEREAS, on March 2, 2001, by Roll Call No. 01-643, the City Council approved the 2001-2002/2006-2007 Capital Improvements Program, including the proposed improvement to be known as the East Indianola Avenue Widening Project, which is further described as follows:

The phased construction of East Indianola Avenue Project, approximately 2.2 miles in length, would provide for reconstruction of the street to a 4-lane roadway between SE 14<sup>th</sup> Street and Army Post Road. The section north of Ewing Park would be either a 5-lane roadway, or a 4-lane roadway with left-turn lanes at major intersections. The section south of Ewing Park would be a 4-lane divided boulevard-type roadway. A separate multi-purpose trail may be included along the west side of the new roadway.

and

WHEREAS, on July 25, 2005, by Roll Call No. 05-1773, City Council approved the professional services agreement between the City of Des Moines and Snyder & Associates, Inc., for engineering services in conjunction with the East Indianola Avenue Corridor Study; and

WHEREAS, on October 8, 2007, by Roll Call No. 07-1994, City Council (1) approved the East Indianola Avenue Corridor Study, and (2) approved the professional services agreement with Snyder & Associates, Inc. (David Moeller, P.E., President, 501 SW Oralabor Road, Ankeny, Iowa 50021), for the East Indianola Avenue Roadway Design, total not to exceed \$988,908.00; and

WHEREAS, in accordance with Section 6B.2A of the Iowa Code, before the City of Des Moines can proceed with the portion of the East Indianola Avenue Widening Project that affects agricultural land, the City Council must:

- (a) Hold a public hearing, giving persons interested in the proposed project the opportunity to present their views and objections regarding the project, and regarding the proposed acquisition of agricultural property for the project by gift, negotiation or eminent domain.

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- (b) Adopt a resolution to approve the project and authorize acquisition of agricultural property for the project by eminent domain.
- (c) Mail notices as required by Iowa Code Section 6B.2A to all property owners and contract purchasers of record of agricultural land with any potential for any form of property acquisition activity for this project and publish notice as specified in the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:**

1. That a public hearing shall be held on December 17, 2007, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

2. That the City Engineer and City Clerk are hereby instructed to cause notice to be published and mailed as required by law of the pendency of this resolution and of the time and place of the hearing at which persons interested in the proposed project may present their views and objections regarding the project and regarding the acquisition of agricultural property for the project by gift, negotiation or eminent domain, said Notice of Intent to be in substantially the attached form.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

Funding Source: 2007-08 CIP, Page Street – 16, East Indianola Avenue Widening – SE 14<sup>th</sup> to Army Post Road, STR213

*RW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

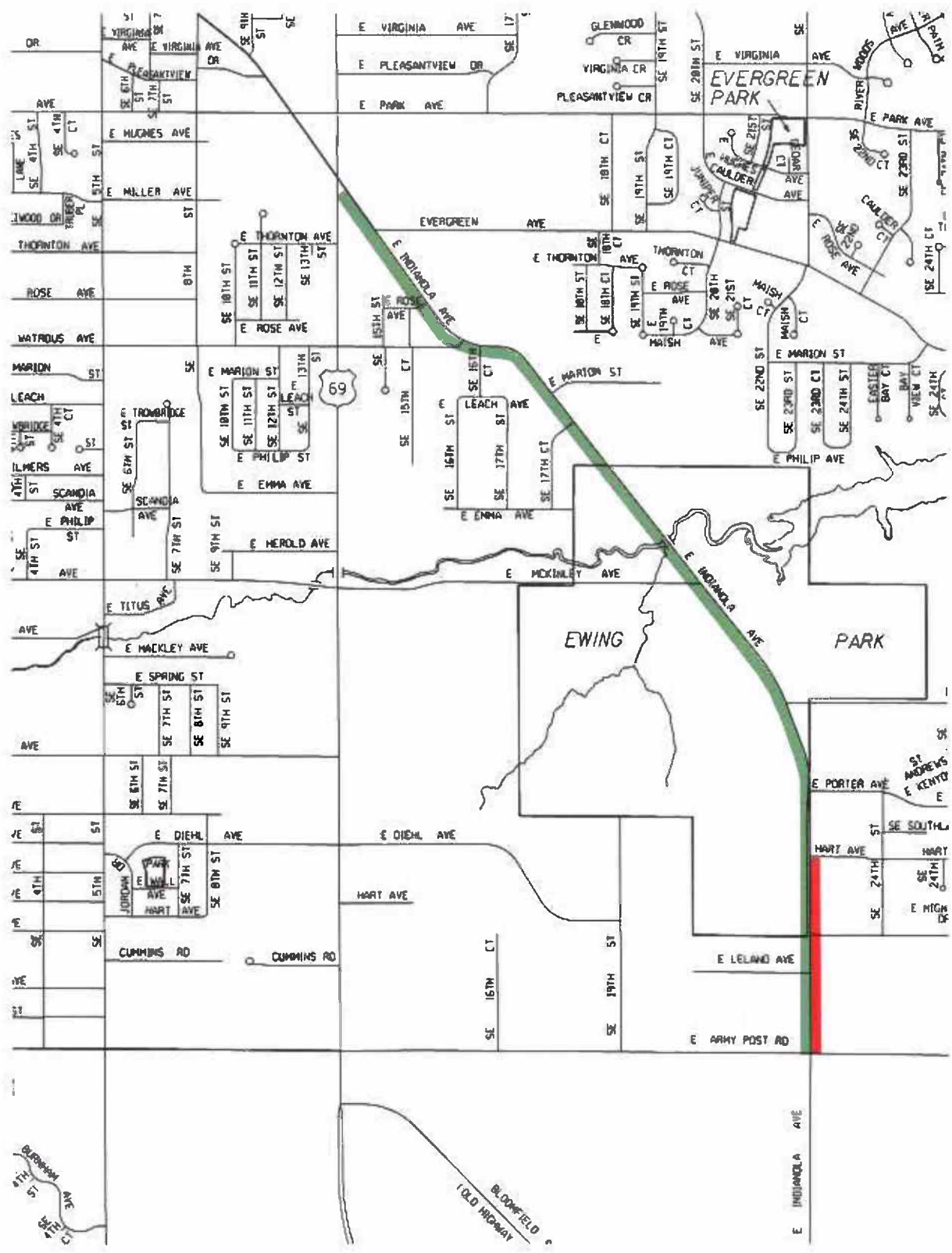
I, Diane Rauh, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City

Clerk



AGRICULTURAL PROPERTY  
 RECREATIONAL TRAIL

