

Date November 19, 2007

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY
FOR RECREATIONAL TRAIL PURPOSES AND AUTHORIZE ACQUISITION OF THE
NECESSARY PROPERTY INTERESTS THEREOF FROM VARIOUS PROPERTY
OWNERS FOR THE EAST INDIANOLA AVENUE WIDENING PROJECT
BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

WHEREAS, under the provisions of 6B.2D of the Iowa Code, a governmental body which proposes to acquire private property by eminent domain for recreational trail purposes is required to give notice of a proposed resolution, motion, or other document authorizing such acquisition of property to each property owner, contract purchaser of record and any tenant known to be occupying the property prior to the date of the meeting at which such proposed authorization will be considered; 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 14th 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.2D of the Iowa Code, before the City of Des Moines can proceed with the portion of the East Indianola Avenue Widening Project that contains a recreational trail, the City Council 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 portion of the project by gift, negotiation or eminent domain.

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- (b) Adopt a resolution to authorize acquisition of private property for the recreational trail portion of the project by eminent domain.
- (c) Mail notices as required by Iowa Code Section 6B.2D to all property owners, contract purchasers of record, and any known tenants with any potential for any form of property acquisition activity for the recreational trail portion of this project.

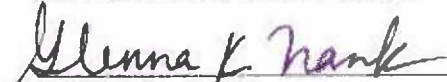
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

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 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 acquisition of private property for the recreational trail portion of 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
 Assistant City Attorney

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

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

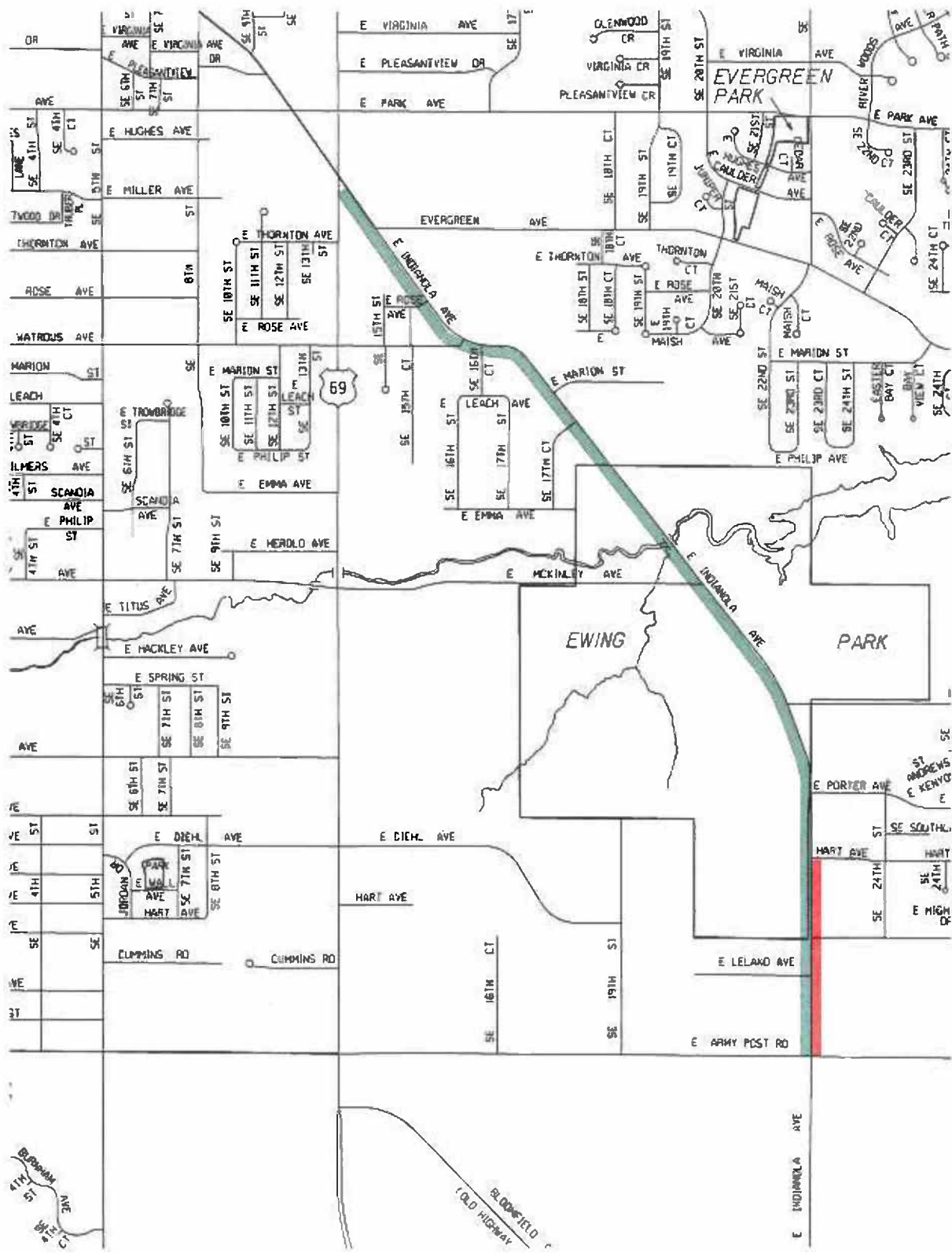
CERTIFICATE

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

