

Date December 17, 2007

**HOLD HEARING ON THE INTENT TO ACQUIRE AGRICULTURAL PROPERTY AND AUTHORIZING 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.

**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**, on November 19, 2007 by Roll Call No. 07-2199, City Council set the time and place for a hearing at which owners and contract purchasers of agricultural land affected by the East Indianola Avenue Widening Project may present their views regarding the Project and regarding the proposed acquisition of agricultural property for the Project by gift, negotiation or eminent domain; and

**WHEREAS**, authorized notice of this hearing was given as provided by law, setting forth the time and place for hearing on the proposal; and

Date December 17, 2007

WHEREAS, the City Council has met as provided in the notice to receive and consider input regarding the East Indianola Avenue Widening Project and the acquisition of agricultural property by gift, negotiation or eminent domain for said Project, and those interested in this proposed Project, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

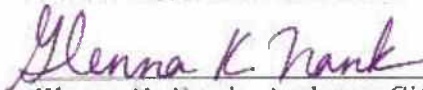
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That all objections and endorsements having been fully reviewed and considered, the hearing providing the opportunity for public input on the question of proceeding with the East Indianola Avenue Widening Project and on the acquisition or condemnation of agricultural property and property interests for said Project is now concluded and closed.
2. That the proposed funding and proposed route for the East Indianola Avenue Widening Project, as set forth in the 2001-2002/2006-2007 Capital Improvements Program and in the East Indianola Avenue Corridor Study, is hereby approved.
3. That acquisition of private agricultural property needed for this Project, including acquisition by eminent domain (condemnation) if necessary, is hereby authorized.

(Council Communication No. 07-\_\_\_\_\_)

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 14<sup>th</sup> to Army Post Road, STR213.

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

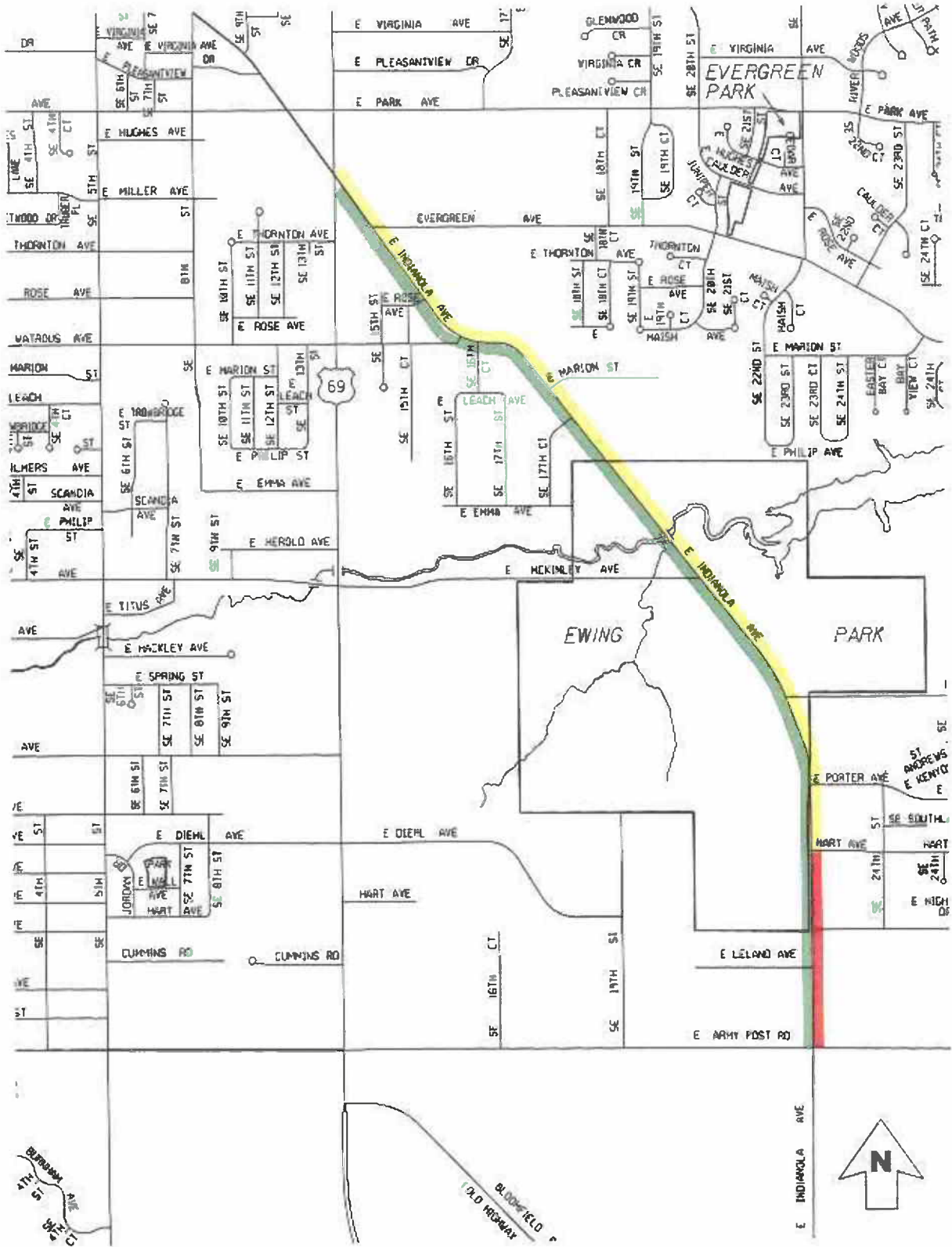
**CERTIFICATE**

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
- NON-AGRICULTURAL NON-RECREATION TRAIL
- PROPERTIES NEEDED FOR WIDENING PROJECT