

Date December 17, 2007

HOLD 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, on November 19, 2007 by Roll Call No. 07-2200, City Council set the time and place for a hearing at which persons affected by the recreational trail portion of the East Indianola Avenue Widening Project may present their views regarding the proposed acquisition of private property for the recreational trail portion of 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

★ Roll Call Number

Agenda Item Number

49C

Date December 17, 2007

WHEREAS, the City Council has met as provided in the notice to receive and consider input regarding the acquisition of private property for recreational trail purposes for the East Indianola Avenue Widening Project by gift, negotiation or eminent domain, and those interested in this proposed property acquisition, 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 acquisition or condemnation of private property and property interests for the recreational trail portion of the East Indianola Avenue Widening Project is now concluded and closed.
2. That acquisition of private property needed for the recreational trail portion of this Project, including acquisition by eminent domain (condemnation) if necessary, is hereby authorized.

(Council Communication No. 07-748)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank (signature)

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.

CERTIFICATE

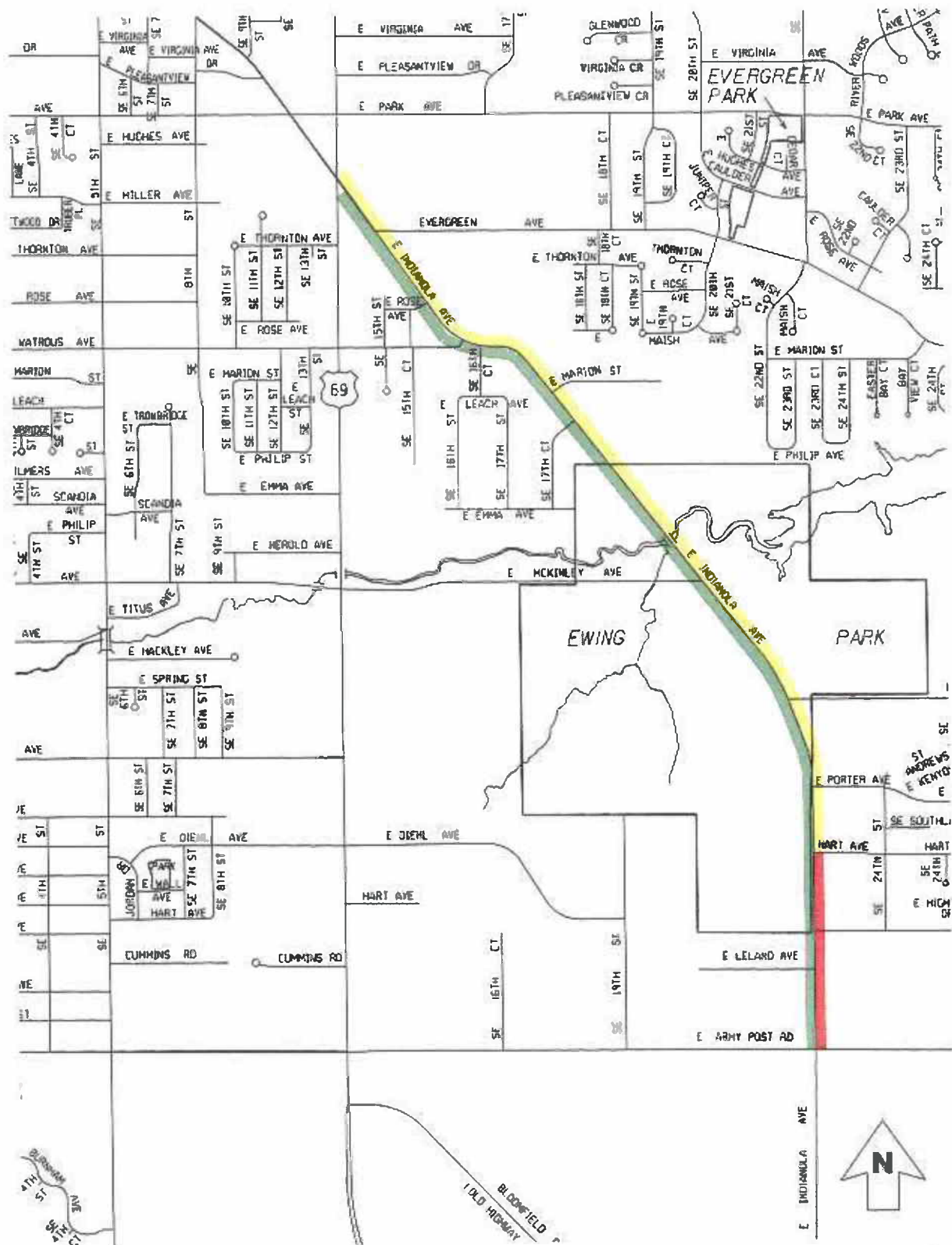
I, Diane Rauh, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, KIERNAN, HENSLEY, MAHAFFLEY, MEYER, VLASSIS, TOTAL, MOTION CARRIED, APPROVED.

Mayor

Clerk



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