

Date December 22, 2008

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY
FOR RECREATIONAL TRAIL PURPOSES AND AUTHORIZE ACQUISITION OF THE
NECESSARY PROPERTY INTERESTS THEREOF FOR THE WAVELAND TRAIL, PHASE
1 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 24, 2008, by Roll Call No. 08-531, the City Council approved the Trail Alignment for the Waveland Trail – Phase 1 Project (“the Project”), including the proposed improvement, which is further described as follows:

The Waveland Trail – Phase 1 Project improvement includes construction of a ten (10) foot wide, six (6) inch thick hot mix asphalt (HMA) trail from the existing Walnut Creek Trail to 56th Street. The project includes a HMA trail, grading, drainage structures, fencing, surface restoration, and additional incidental items; and

WHEREAS, in accordance with Section 6B.2D of the Iowa Code, before the City of Des Moines can proceed with acquisition by gift, negotiation or eminent domain for the Project, the City Council must:

- (a) 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 Project.
- (b) 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 Project by gift, negotiation or eminent domain.
- (c) Adopt a resolution to authorize acquisition of private property for the Project by eminent domain.

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 January 5, 2009, 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.

★ Roll Call Number

Agenda Item Number

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Date December 22, 2008

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 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: 2008-09 CIP, Park Improvements – Recreational Trails, PKS045, Page – Park Improvements – 22, G.O. Bonds.

PSW

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

CERTIFICATE

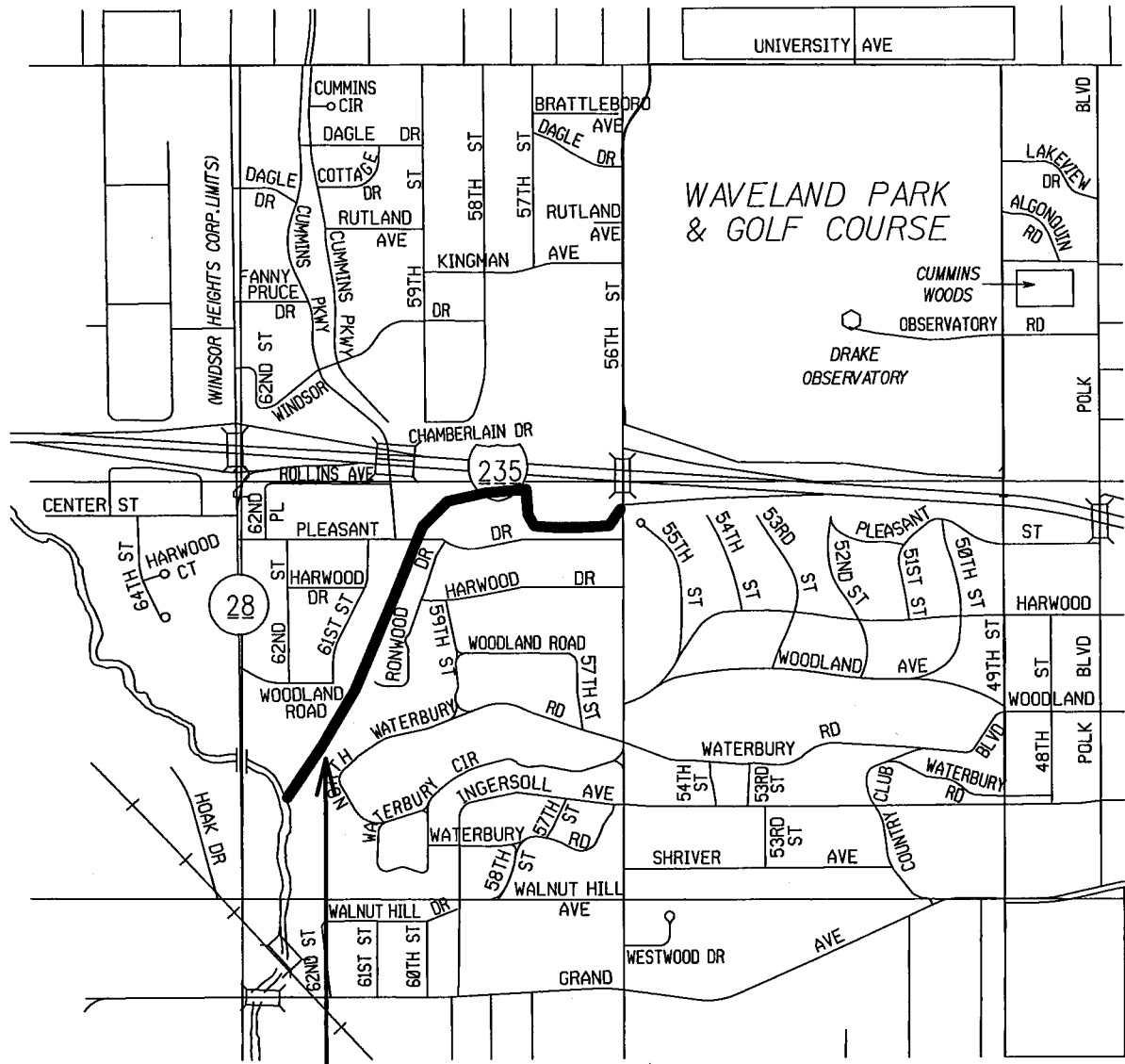
I, Diane Rauh, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

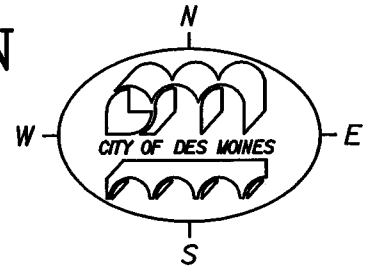
 Mayor

 City

 Clerk



**PROJECT
LOCATION**



**WAVELAND TRAIL PHASE 1 FROM
WALNUT CREEK TRAIL TO 56TH STREET
ACTIVITY I.D. 11-2006-006
IDOT STP-E-1945(693)--8V-77**

FILED IN DES MOINES ILL. 11-2006 10:00 AM 11-2006 10:00 AM 11-2006 10:00 AM 11-2006 10:00 AM