

★ **Roll Call Number**

**Agenda Item Number**  
24 Ia

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**Date** March 14, 2011

**SET HEARING ON THE INTENT TO ACQUIRE PROPERTY FOR RECREATIONAL TRAIL PURPOSES AND AUTHORIZE ACQUISITION OF THE NECESSARY PROPERTY INTERESTS FROM VARIOUS PROPERTY OWNERS FOR THE 63<sup>rd</sup> STREET TRAIL CONNECTOR PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

**WHEREAS**, on March 14, 2011, by Roll Call No. \_\_\_\_\_, the City Council of the City of Des Moines, Iowa, approved an agreement with the City of West Des Moines for design and construction of the 63<sup>rd</sup> Street Recreational Trail from Railroad Avenue to Tyler Avenue for the 63<sup>rd</sup> Street Trail Connector Project; and

**WHEREAS**, the City of Des Moines Engineering and Parks Department have identified portions of private real property in which easement interests will be needed for construction of the public improvement as part of the 63<sup>rd</sup> Street Trail Connector Project; and

**WHEREAS**, under the provisions of Section 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 at least fourteen (14) days prior to the date of the meeting at which such proposed authorization will be considered; and

**WHEREAS**, in accordance with Section 6B.2D of the Iowa Code, before the City can proceed with acquisition of property by eminent domain for the aforementioned Project, the City Council must:

- (a) Give affected persons the opportunity to attend the Council meeting and present their views and objections regarding the proposed acquisition of private property for the recreational trail by gift, negotiation or eminent domain.
- (b) Adopt a resolution to authorize acquisition of private property for the recreational trail by eminent domain.
- (c) Mail notices 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.

**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 March 28, 2011, 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

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will consider the above-described proposal to authorize acquisition of private property by eminent domain for recreational trail purposes for the 63<sup>rd</sup> Street Trail Connector Project.

2. That the actions of the City Engineer and City Clerk in mailing notice as required by law of the pendency of this resolution, and of the time and place of the hearing at which persons receiving the notice may present their views and objections regarding the acquisition of private property for recreational trail by gift, negotiation or eminent domain, said Notice of Hearing in substantially the attached form, are hereby ratified.

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

APPROVED AS TO FORM:

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk