

★ Roll Call Number  
09-028

Agenda Item Number  
22

Date January 5, 2009

**CONTINUANCE OF 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 56<sup>th</sup> Street. The project includes a HMA trail, grading, drainage structures, fencing, surface restoration, and additional incidental items; and

**WHEREAS**, on December 22, 2008 by Roll Call No. 08-2196, City Council set the time and place for a hearing to be held on January 5, 2009, in accordance with the provisions of 6B.2D of the Iowa Code, at which hearing persons affected by the Waveland Trail – Phase 1 Project may present their views regarding the proposed acquisition of private property for the Project by gift, negotiation or eminent domain; and

**WHEREAS**, it is necessary to continue the public hearing until January 26, 2009, in order to comply with the mailing notice requirements, in accordance with the provisions of 6B.2D of the Iowa Code

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IT IS THEREFORE MOVED BY Hensley to continue the public hearing until January 26, 2009 at 5:00 p.m. in the Council Chambers.

Moved by Hensley 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
VLAŠIS	✓			
TOTAL	7			

#### 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.

T. M. Franklin Mayor

Diane Rauh City Clerk