

★ Roll Call Number  
10-1218

Agenda Item Number  
30

Date July 26, 2010

**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 DES MOINES RIVER REGIONAL TRAIL PROJECT BY GIFT, NEGOTIATION,  
OR EMINENT DOMAIN**

**WHEREAS**, on May 18, 2009, by Roll Call No. 09-822, City Council approved the professional services agreement between the City of Des Moines and AECOM, INC. for professional services in connection with the Des Moines River Regional Trail, Phase I Project; and

**WHEREAS**, on January 11, 2010, by Roll Call No. 10-043, the City Council accepted a \$300,000 Iowa Department of Natural Resources Enhancement and Protection Grant, and approved the grant agreement for the Des Moines River Regional Trail, Phase I Project; and

**WHEREAS**, on January 11, 2010, by Roll Call No. 10-044, the City Council accepted a \$73,474 Iowa Department of Transportation State Recreational Trail Grant, and approved the grant agreement for the Des Moines River Regional Trail, Phase I Project; and

**WHEREAS**, under the provisions of Chapter 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.



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**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 August 9, 2010, 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 to authorize acquisition of private property by eminent domain for recreational trail purposes for the Des Moines River Regional Trail, Phase I 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 Intent in substantially the attached form, are hereby ratified and approved.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

# 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.

Diane Rauh City Clerk

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor