

★ Roll Call Number

10-1317

Agenda Item Number

51

Date August 9, 2010

**HOLD 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 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**, on July 26, 2010, by Roll Call No. 10-1218, City Council set the time and place for a hearing at which persons affected by the Des Moines River Regional Trail Project may present their views regarding the proposed acquisition of private property for recreational trail purposes 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

**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 Des Moines River Regional Trail 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.

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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 input from affected property owners on the question of acquisition or condemnation of private property and property interests for the Des Moines River Regional Trail Project is now concluded and closed.

2. That acquisition of private property needed for this Project, including acquisition by eminent domain (condemnation) if necessary, is hereby authorized.

(Council Communication No. 10- 488)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

BN

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

Diane Rauh

City

Clerk

T. M. Franklin Council Mayor