

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

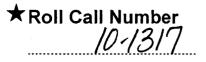
WHEREAS, on January 11, 2010, by Roll Call No. 10-044, the City Council accepted a \$73,474 Iowa Department of Transportation State Recreational Trail Grant, and approved the grant agreement for the Des Moines River Regional Trail, Phase I Project; and

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.



Agenda Item Number

Date August 9, 2010

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 Bensley to adopt.

PPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Pon	

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	~			
COLEMAN	~			
GRIESS	~			
HENSLEY	~			
MAHAFFEY	~			
MEYER	1			
MOORE	1			
TOTAL	7			
MOTION CARRIED	illes	rla		PPROVED Mayor

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.

Fan

Clerk

City