

★ Roll Call Number

11-0114

Agenda Item Number

35A

Date January 24, 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 GRAY'S LAKE NEIGHBORHOOD CONNECTING TRAIL PROJECT
BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

WHEREAS, on January 24, 2011 by Roll Call Number 11-0113, the Des Moines City Council approved the proposed alignment of the Gray's Lake Connecting Trail and amended the City of Des Moines Multi-Use Recreational Trails Master Plan to include such trail, which alignment requires the acquisition of private property for construction, operation and maintenance of the proposed trail; 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 February 14, 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 will consider the above-described proposal to authorize acquisition of private property by eminent domain for recreational trail purposes for the Gray's Lake Neighborhood Connecting Trail Project.

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2. That the City Engineer and City Clerk are hereby authorized and directed to mail 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

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

T. M. Franklin Mayor
 MOTION CARRIED APPROVED

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