



Roll Call Number

14-1468

Agenda Item Number

24

Date September 22, 2014

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 MCHENRY TRAIL CONNECTION PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN

WHEREAS, on March 27, 2012 by Resolution No. 12-023, the Des Moines Park and Recreation Board approved the McHenry Park Master Plan which proposed additional trail connections, including one alignment that will head west from McHenry Park to the Inter-Urban 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 October 6, 2014, 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 McHenry Trail Connection 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 Coleman to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman
Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, TOTAL, MOTION CARRIED. Includes signature of Mayor Y. M. Franklin.

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