

Date January 5, 2009

**CONTINUANCE OF HEARING ON THE INTENT TO ACQUIRE PROPERTY
FOR RECREATIONAL TRAIL PURPOSES AND AUTHORIZE ACQUISITION OF THE
NECESSARY PROPERTY INTERESTS THEREOF FOR THE WAVELAND TRAIL, PHASE
1 PROJECT BY GIFT, NEGOTIATION, OR EMINENT DOMAIN**

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 prior to the date of the meeting at which such proposed authorization will be considered; and

WHEREAS, on March 24, 2008, by Roll Call No. 08-531, the City Council approved the Trail Alignment for the Waveland Trail – Phase 1 Project (“the Project”), including the proposed improvement, which is further described as follows:

The Waveland Trail – Phase 1 Project improvement includes construction of a ten (10) foot wide, six (6) inch thick hot mix asphalt (HMA) trail from the existing Walnut Creek Trail to 56th Street. The project includes a HMA trail, grading, drainage structures, fencing, surface restoration, and additional incidental items; and

WHEREAS, on December 22, 2008 by Roll Call No. 08-2196, City Council set the time and place for a hearing to be held on January 5, 2009, in accordance with the provisions of 6B.2D of the Iowa Code, at which hearing persons affected by the Waveland Trail – Phase 1 Project may present their views regarding the proposed acquisition of private property for the Project by gift, negotiation or eminent domain; and

WHEREAS, it is necessary to continue the public hearing until January 26, 2009, in order to comply with the mailing notice requirements, in accordance with the provisions of 6B.2D of the Iowa Code

★ Roll Call Number

Agenda Item Number

22

Date January 5, 2009

IT IS THEREFORE MOVED BY _____ to continue the public hearing until January 26, 2009 at 5:00 p.m. in the Council Chambers.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank,
Assistant City Attorney

Funding Source: 2008-09 CIP, Park Improvements – Recreational Trails, PKS045, Page – Park Improvements – 22, G.O. Bonds

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, KIERNAN, HENSLEY, MAHAFFEY, MEYER, VLASSIS, TOTAL, MOTION CARRIED, APPROVED.

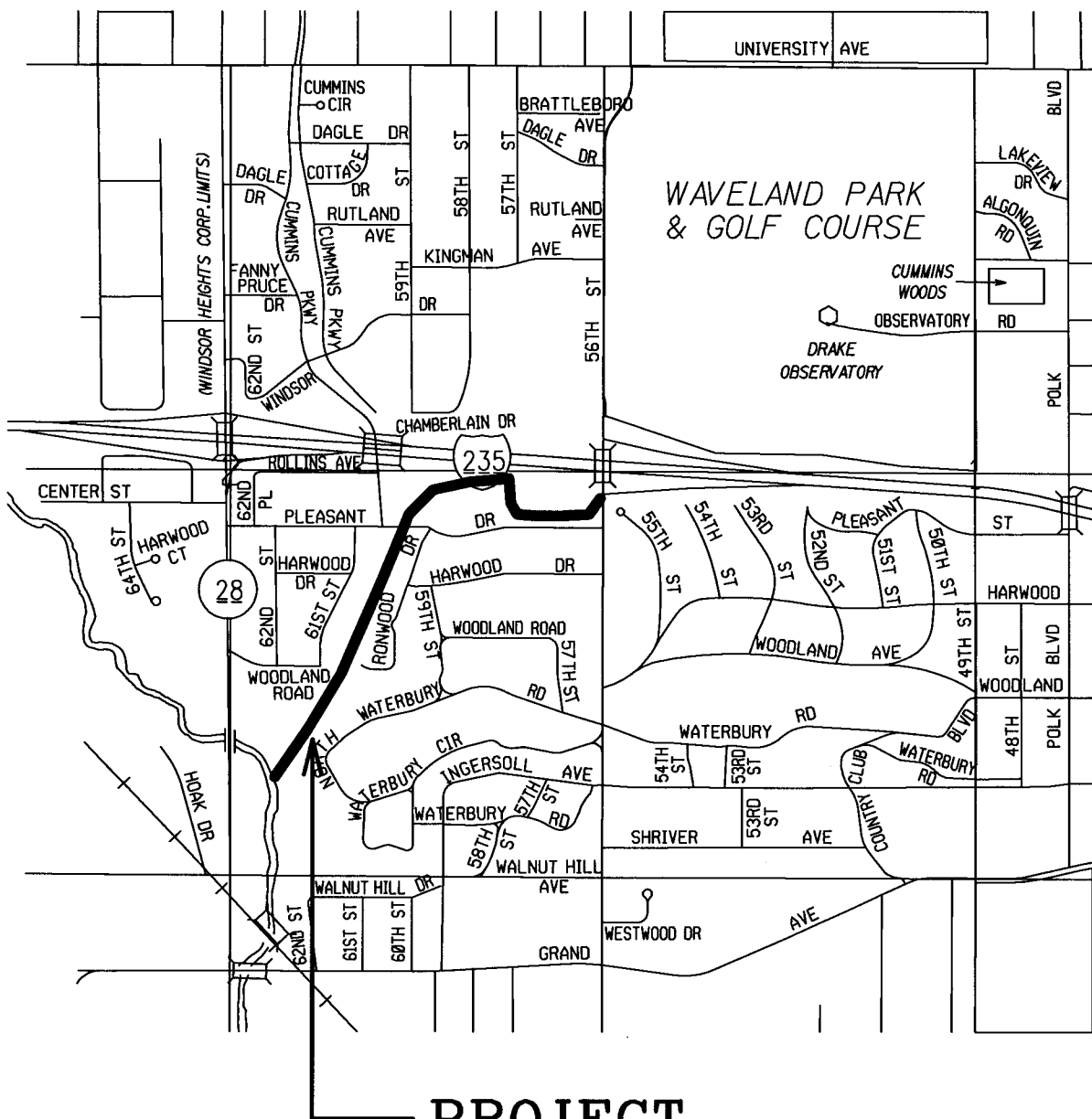
CERTIFICATE

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.

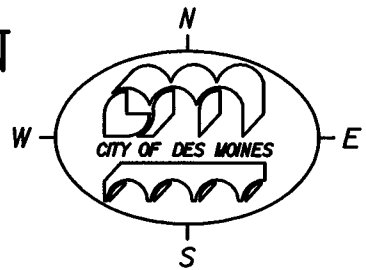
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

Clerk City



**PROJECT
LOCATION**



**WAVELAND TRAIL PHASE 1 FROM
WALNUT CREEK TRAIL TO 56TH STREET
ACTIVITY I.D. 11-2006-006
IDOT STP-E-1945(693)--8V-77**

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