CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: June 11, 2018

ITEM: Resolution - Hearing regarding the acquisition of property and establishment of just compensation for the construction of the Grand Avenue Trail – Jordan Creek to Fuller – Jordan Creek to Fuller, Project No. 0510-045-2016.

FINANCIAL IMPACT: Unknown at this time.

SYNOPSIS: Pursuant to state law, the acquisition by eminent domain of property to be used for other than streets and utilities requires a hearing to allow the property owner the opportunity to voice objection to the acquisition. If the City Council approves the acquisition, it must also establish just compensation for the property.

The Parks Department has identified property necessary to connect a portion of the Grand Avenue Trail near the Grand Avenue bridge over Jordan Creek. Two options have been reviewed, with the preferred site located on the Mark and Ruth McCoy property, 2285 Grand Avenue, shown as Option 1 on both the attached Vicinity Map and the Land Acquisition Map. Site selection was discussed in detail at the April 11, 2018 Finance and Administration subcommittee meeting, with the meeting minutes and background notes also attached.

RECOMMENDATION:

Adopt the Resolution Approving the Acquisition of Property identified as Option 1 for the Grand Avenue Trail – Jordan Creek to Fuller Road, Project No. 0510-045-2016 and establish just compensation for acquisition of the property.

Lead Staff Member: Richard J. Scieszinski, City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	
Letter sent to surrounding property owners	May 22, 2018

SUBCOMMITTEE REVIEW (if applicable)

Committee	Finance and Administration		
Date Reviewed	April 11, 2018		
Recommendation	Yes		

Prepared by: Greta Truman, Assistant City Attorney, PO Box 65320, West Des Moines, IA 50265-0320 (515) 222-3673
Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines IA 50265 (515) 222-3600

SPACE ABOVE THIS LINE FOR RECORDER

RESOLUTION NO. _____

RESOLUTION ESTABLISHING JUST COMPENSATION AND APPROVING THE ACQUISITION OF PROPERTY AND FOR THE CONSTRUCTION OF THE GRAND AVENUE TRAIL – JORDAN CREEK TO FULLER PROJECT NO. 0510-045-2016

WHEREAS, the City of West Des Moines City Council previously approved the funding for the construction of the Grand Avenue Trail -Jordan Creek Crossing to Fuller Road, West Des Moines Project Number 0510-045-2016; and

WHEREAS, it is necessary to acquire property interests from private owners in the area for the construction of improvements; and

WHEREAS, acquisition of property interests by the City through gift, purchase or condemnation based upon fair market value of the property is necessary and appropriate; and

WHEREAS, notice of the intent to acquire property has been provided to the property owners pursuant to Iowa Code section 6B.2D; and

WHEREAS, the property owners have been provided the opportunity to voice objection to the proposed acquisition of property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. Pursuant to the property acquisition policy of the City of West Des Moines, the acquisition of all property interests necessary for the construction the Grand Avenue Trail - Jordan Creek Crossing to Fuller Road, West Des Moines Project Number 0510-045-2016, as reflected on the attached draft plat of survey is approved.

2. City staff is authorized to acquire M.A.I. appraisals or formulate compensation estimates establishing the fair market value of the property interests necessary for the Project.

3. City staff is further authorized to acquire the property interests through gift or voluntary acquisition based upon the fair market value of each property interest.

4. Upon the inability of the City to acquire the property interests voluntarily or by gift, condemnation is hereby approved. The City Legal Department is authorized to initiate and complete condemnation proceedings.

PASSED AND ADOPTED this 11th day of June, 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

SURVEY DESCRIPTION: PARCELS 2018-97,99 IN LOT 4 OF BRAY FARM, WEST DES MOINES, POLK COUNTY, IOWA

REQUESTED BY: WEST DES MOINES PARKS AND REC DEPARTMENT

PROPRIETOR: MARK S. & RUTH A. MCCOY

SURVEYOR: LUKE D. AHRENS #24413
BOLTON & MENK
1519 BALTIMORE DRIVE
AMES, IOWA 50010
515-233-6100

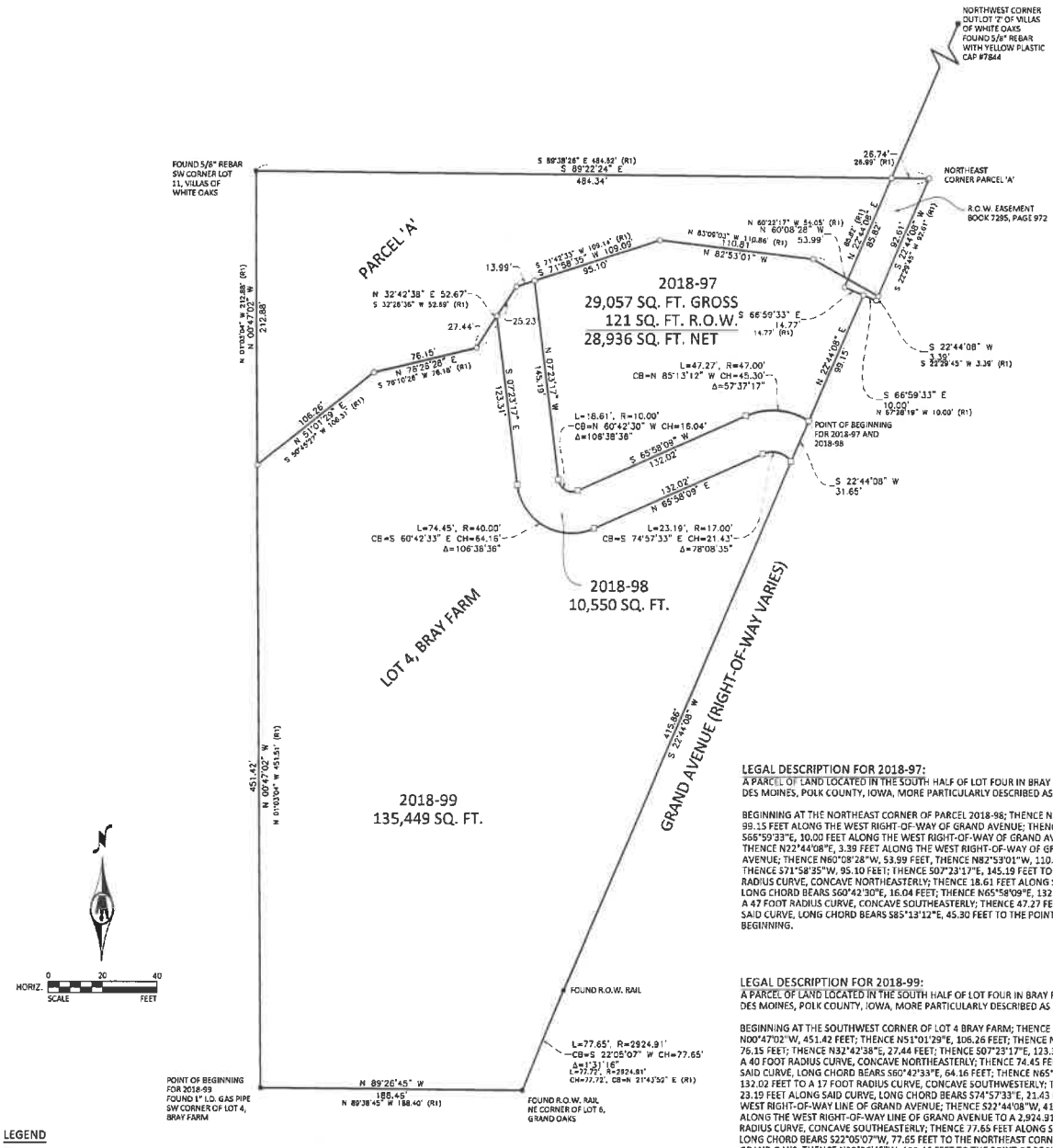
FOR RECORDER USE ONLY

PLAT OF SURVEY

WEST DES MOINES, POLK COUNTY, IOWA

2285 GRAND AVENUE

JUNE 2018



LEGAL DESCRIPTION FOR 2018-97:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF LOT FOUR IN BRAY FARM, WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2018-98; THENCE N22°44'08"E, 99.15 FEET ALONG THE WEST RIGHT-OF-WAY OF GRAND AVENUE; THENCE S66°59'33"E, 10.00 FEET ALONG THE WEST RIGHT-OF-WAY OF GRAND AVENUE; THENCE N22°44'08"E, 3.39 FEET ALONG THE WEST RIGHT-OF-WAY OF GRAND AVENUE; THENCE N60°08'28"W, 53.99 FEET, THENCE N82°53'01"W, 110.81 FEET; THENCE S71°58'35"W, 95.10 FEET; THENCE S07°23'17"E, 145.19 FEET TO A 10 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE 18.61 FEET ALONG SAID CURVE, LONG CHORD BEARS S60°42'30"E, 16.04 FEET; THENCE N65°58'09"E, 132.02 FEET TO A 47 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 47.27 FEET ALONG SAID CURVE, LONG CHORD BEARS S85°13'12"E, 45.30 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR 2018-99:
A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF LOT FOUR IN BRAY FARM, WEST DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 BRAY FARM; THENCE N00°47'02"W, 451.42 FEET; THENCE N51°01'29"E, 106.26 FEET; THENCE N76°26'28"E, 76.15 FEET; THENCE N32°42'38"E, 27.44 FEET; THENCE S07°23'17"E, 123.31 FEET TO A 40 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE 74.45 FEET ALONG SAID CURVE, LONG CHORD BEARS S60°42'33"E, 64.16 FEET; THENCE N65°58'09"E, 132.02 FEET TO A 17 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE 23.19 FEET ALONG SAID CURVE, LONG CHORD BEARS S74°57'33"E, 21.43 FEET TO THE WEST RIGHT-OF-WAY LINE OF GRAND AVENUE; THENCE S22°44'08"W, 415.86 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF GRAND AVENUE TO A 2,924.91 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 77.65 FEET ALONG SAID CURVE, LONG CHORD BEARS S22°05'07"W, 77.65 FEET TO THE NORTHEAST CORNER OF LOT 6 GRAND OAKS; THENCE N89°26'45"W, 188.46 FEET TO THE POINT OF BEGINNING.

LEGEND

- FOUND MONUMENT AS NOTED
- SET ½"x24" REBAR WITH PINK PLASTIC CAP #24413
- SET ⅝"x24" REBAR WITH PINK PLASTIC CAP #24413
- (R1) RECORDED DIMENSION

NOTES:
1. PARCEL 'A' IS LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16-78-25.
2. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 355
3. BEARINGS SHOWN ARE IOWA STATE PLANE, ZONE SOUTH.
4. PARCEL 'A' RECORDED IN TRUSTEE WARRANTY DEED INST. #034359.

LICENSED PROFESSIONAL LAND SURVEYOR LUKE D. AHRENS 24413 IOWA

I hereby certify that this land surveying document was prepared by me and the related field work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa

LUKE D. AHRENS L.S.

REG. NO. 24413 DATE: _____

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

PAGES OR SHEETS COVERED BY THIS SEAL:

BOLTON & MENK

ACTIVITY ID: 0510-045-2016
GRAND AVENUE TRAIL
NORTH OF FULLER ROAD

SHEET 1 OF 1

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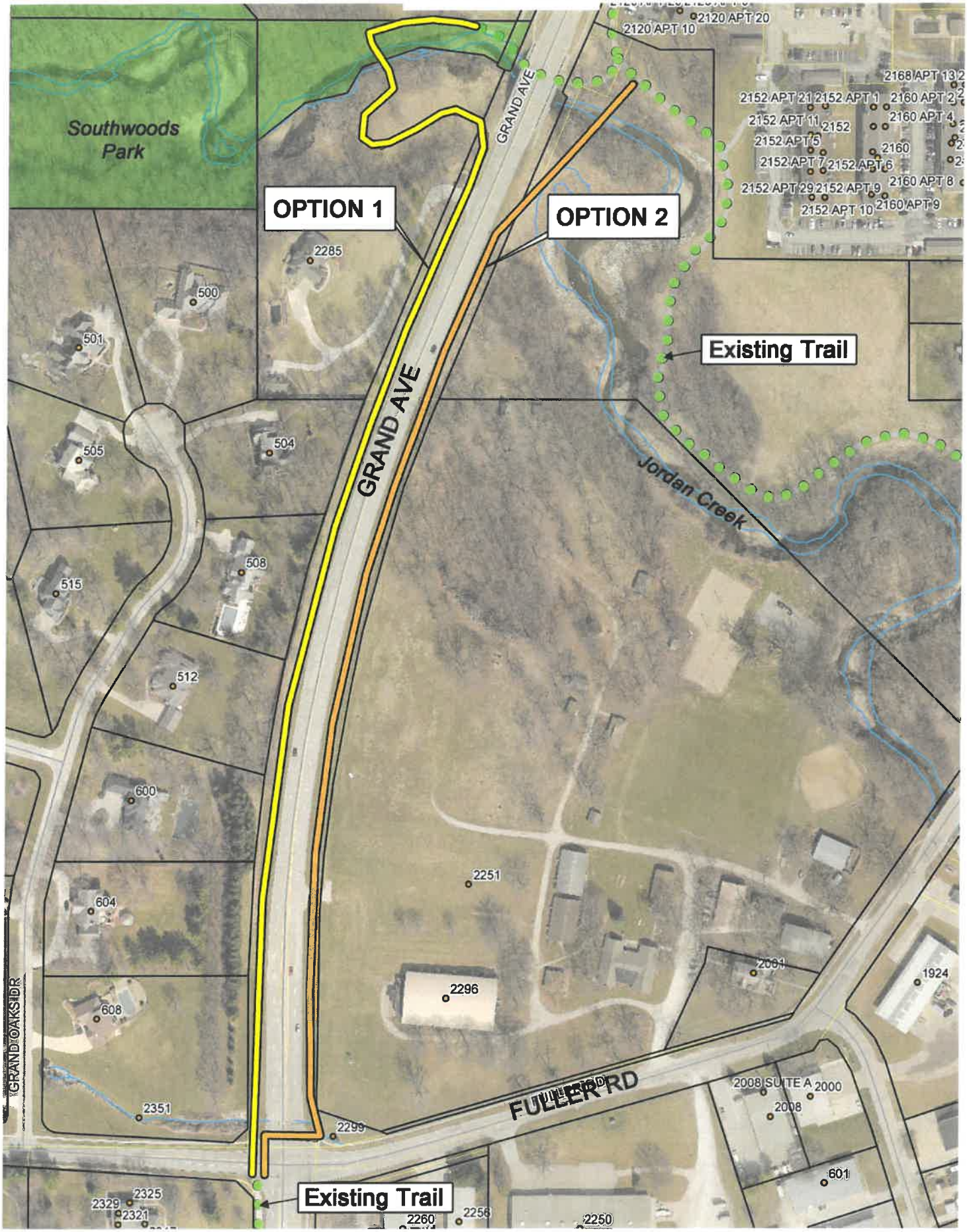
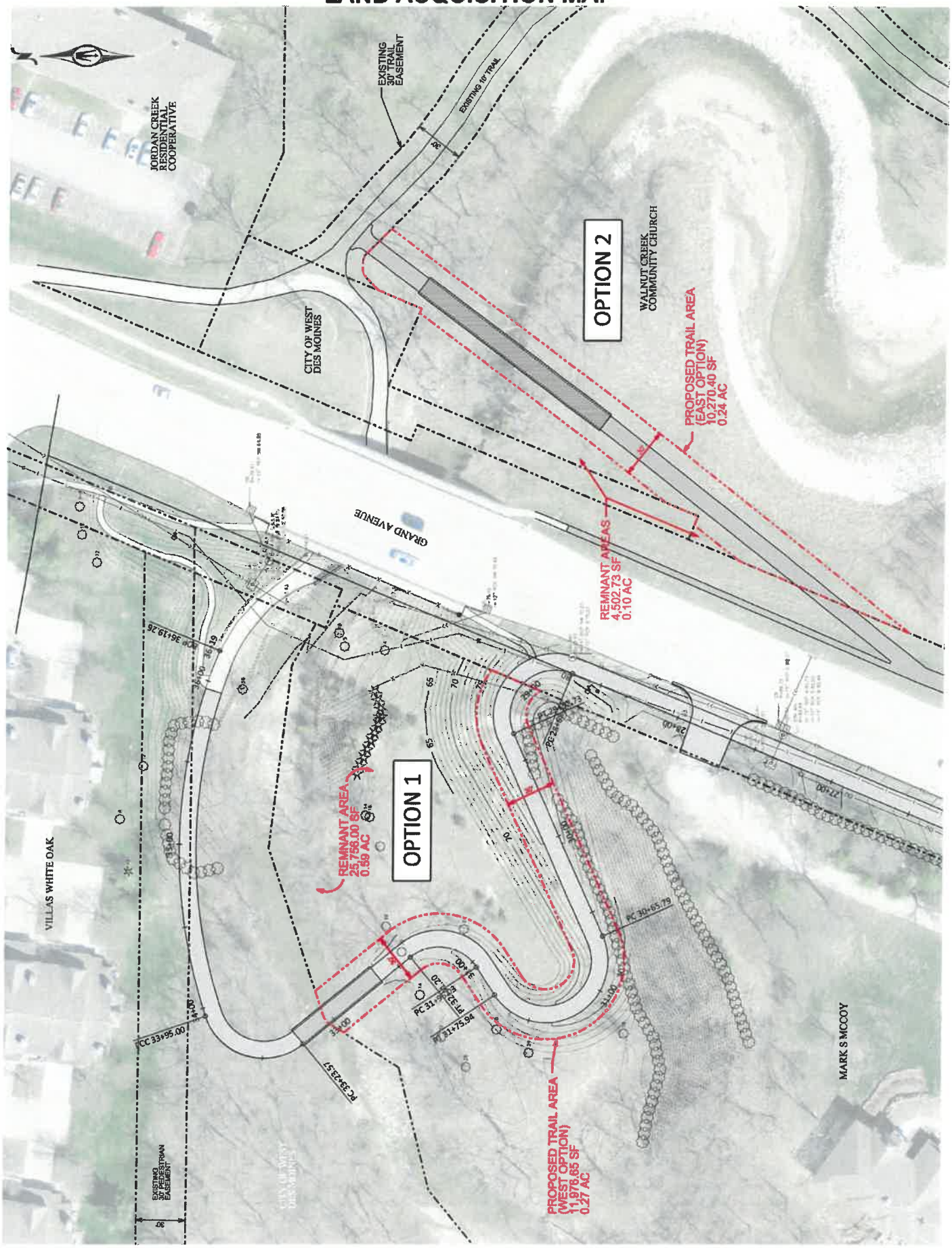
VICINITY MAP



LAND ACQUISITION MAP



FINANCE & ADMINISTRATION SUB-COMMITTEE
Wednesday, April 11, 2018 - 7:00 AM
West Des Moines City Hall – 4200 Mills Civic Parkway
Training Room, 2nd Floor

Present: Councilmember Russ Trimble, Councilmember Jim Sandager, City Manager Tom Hadden, Deputy City Manager Jamie Letzring, City Attorney Dick Scieszinski, Human Resources Director Jane Dodge, Finance Director Tim Stiles, Budget Analyst Chris Hamlett, Community & Economic Development Director Clyde Evans, Business Development Coordinator Katie Hernandez, Parks & Recreation Director Sally Ortgies, Assistant City Attorney Greta Truman, and Secretary Katie Johnson

Meeting was called to order at 7:00 AM

1. Grand Avenue Trail (Jordan Creek to Fuller Road) - Land Acquisition/Funding

Ms. Ortgies presented two placement options regarding the proposed Grand Avenue Trail between Jordan Creek and Fuller Road. Option #1 would place the trail on the West side of the road and is the preferred location, but would require possible condemnation of part the adjacent property. Option #2 would place the trail on the East side of the road and, while this approach would have a smaller amount of ROW acquisition needed, it would not address the issue of a remaining need for a sidewalk on the west side, with potential assessment of that sidewalk to the homeowners.

The estimated cost for the trail on the west side of Grand Avenue is $638,000 which is over from the previous budgeted estimate by $184,000. Ms. Ortgies explained that funds could be captured from other parks projects as follows:

S. 19th St trail removal	$ 62,000
39th St Parking lot	69,000
Woodland Hills Park Basketball/Tennis/Trail	53,000
	$184,000

Ms. Ortgies noted that with support from the Committee and Council, the goal would be to acquire the needed land and construct the project by the end of calendar 2018.

Councilmembers were supportive of Option 1, noting a preference for allowing the adjacent property owner to access the acquired land. They were also in support of using previous cost-savings to fund the additional cost. Staff will proceed and the item will be placed on a future Council agenda.

2. Property Tax Rebate Application – FORE RIGHT, L.C., 1840 71st Street

Mr. Evans presented an application from Fore Right, L.C. to be considered for the Property Tax Rebate Program. Their application proposes a 12,000 square foot retail building on their property

TO: Finance & Administration Council Committee
FROM: Sally Ortgies, Director of Parks & Recreation
DATE: April 11, 2018
RE: Grand Avenue Trail - Jordan Creek to Fuller Road

Staff has initiated the process to acquire property needed for a proposed trail along Grand Avenue from Jordan Creek on the north to Fuller Road on the south. The project engineer, Bolton & Menk, has also prepared more detailed plans and cost estimates. Before proceeding further, the Committee is asked to further review the project and provide guidance.

Project Background

Several options for the location of this trail were presented to the Public Works Council Committee on 6/3/13 and 9/29/14. At that time, the committee recommended that the trail be located along the west side of Grand Avenue and that the adjacent property owners be assessed for 4 feet of the 10 foot wide trail. At a Finance & Administration Council Committee meeting on 12/11/14 regarding the Grand Avenue Reconstruction between S. 35th and 50th Street, that subcommittee recommended that city policy be to not assess property owners for their 4 foot share of future trail projects constructed through already-developed areas. This was taken into consideration when budgeting for the project the following year.

Funds in the amount of $450,000 were budgeted in FY 15-16, but some of those funds were reallocated to other CIP projects (Holiday Park Baseball Improvements and Valley View Park Basketball Courts) that were further along in design and construction. In FY 16-17, an additional $138,000 was budgeted for the Grand Avenue Trail project to cover the amount transferred to these other projects. When the cost of design is subtracted out, there is currently a total of $454,000 available for land acquisition and construction of the trail project.

Future Direction

As further details are now available, including acquisition costs, staff is requesting that the Committee provide guidance on the following:

1. Location of trail on west side of Grand Avenue
   Attached are maps showing two options (east and west) and the land necessary to be acquired, estimated costs, and a summary of pros and cons for each of those options. Staff will further review this information with the Committee at Wednesday's meeting and requests that the Committee reconfirm the decision to locate the trail on the west side of Grand Avenue.

2. Land acquisition
   Additional land will be necessary to construct the trail and bridge over Jordan Creek. Based upon initial discussions with the property owner on the west side of Grand Avenue, it appears that condemnation may be likely. Staff requests that the Committee provide guidance on moving forward with negotiations with the property owner and, if necessary, initiating condemnation proceedings by bringing the item to the full Council for approval. The Legal Department will be assisting the Parks and Recreation Department with further negotiations.

3. Allocation of additional funds

After a topographic survey and additional engineering work were done and an appraisal was completed for the property needed for the project, the cost has increased. The current estimated cost for the trail on the west side of Grand Avenue is now $638,000. Based upon this latest estimate, an additional $184,000 will be required to construct the project. Staff recommends that the following be used to cover this additional amount:

South 19th Street Trail Removal/Sidewalk Cost-savings/Project complete	$ 62,000
39th Street Parking Lot Cost-savings/Project complete	$ 69,000
Woodland Hills Park Basketball/Tennis/Loop Trail Cost-savings/Project under construction	$ 53,000
	$184,000

With direction from the Committee to proceed, the goal is to acquire the needed land and construct the project by the end of this year.

COST OPINION SUMMARY

GRAND AVENUE TRAIL - JORDAN CREEK TO FULLER ROAD

4/9/2018

*Construction cost opinion based on schematic design. Costs will be refined with additional survey & design work.

Option 1 - WEST SIDE OF GRAND AVENUE

ITEM	PRICE	NOTES
Construction Cost Opinion	$ 600,000	
Land Acquisition (approx 0.27 acres)	$ 38,000	Based on land appraisal completed on 3/6/18.
OPTION A TOTAL	**$ 638,000**	

Option 2 - EAST SIDE OF GRAND AVENUE

ITEM	PRICE	NOTES
Construction Cost Opinion	$ 580,000	
Land Acquisition (approx 0.24 acres)	$ 20,000	Place-holder; assumed acquisition would be less than west option.
OPTION B TOTAL	**$ 600,000**	

Currently Available Project Funds =	**$ 454,000**

SUMMARY OF OPTIONS

GRAND AVENUE TRAIL – JORDAN CREEK TO FULLER ROAD 4/09/18

OPTION 1 - WEST SIDE OF GRAND AVENUE

PROS

- Meets AASHTO and SUDAS preferred slope guidelines for a Shared-use Path (less than 5% slope).
- Places the trail bridge upstream of the roadway bridge, which may have advantages with flood hydraulics and permitting.
- Utilizes existing trail underpass under Grand Ave Bridge which provides safest crossing for pedestrians crossing Grand Ave.
- Preliminary design work for sidepath trail along west side of Grand Ave has been completed.
- Smaller bridge span required than Option 2 (100' vs 140').
- Addresses issue of future sidewalk installation and maintenance for residential properties along west side of Grand Ave.

CONS

- Requires more ROW acquisition than Option 2. Adjacent property owner appears reluctant to negotiate with City for the purchase of property.
- Requires signage warning bicyclist of slower speeds around curves.
- Requires more grading and paving than option 2.

OPTION 2 – EAST SIDE OF GRAND AVENUE

PROS

- Direct path to proposed pedestrian bridge crossing eliminates need for curves.
- Less overall grading and paving than Option 1.
- Smaller amount of ROW acquisition needed. Walnut Creek Community Church has not yet been approached, but may be more amenable to sale of property than west side property owner.

CONS

- Meets AASHTO and SUDAS acceptable slope guidelines for a Shared-use Path (less than 8% slope) but some users may find steeper grade difficult to navigate.
- Conceptual design only. Requires more survey data and engineering to confirm site conditions.
- Underpass will remain unused as part of trail system. Trail users will need to cross Grand Ave/Fuller Rd at a signalized intersection in order to continue on a trail and will need to cross Grand Ave a second time at grade at a currently unsignalized intersection to access Raccoon River Park.
- Counter to original recommendation by Park & Rec Advisory Board, Bicycle Advisory Commission & PW Subcommittee (2014) to locate trail on west side of Grand Ave.

June 8, 2018

Site Visitor Name: Mark McCoy
Site Visitor Email: markmccoy04@msn.com

To all city council members;

We are writing this in regards to the upcoming city council meeting scheduled for Monday, May 11, 2018. The item on the agenda that concerns us is the City of West Des Moines, Iowa will consider authorizing the acquisition of our property at 2285 Grand Ave, West Des Moines, Iowa for the Grand Avenue Bike Trail-Jordan Creek to Fuller Road Project. Project Number 0510-045-2016.

We believe we have a strong case for moving the bike trail across the street as it was originally planned.

In late summer 2017 I did receive four "very preliminary plans from Parks and Rec. These were presented on the tailgate of a truck and had no corresponding surveyors' plot points which would have lent perspective and made it more clear to me. I had no idea of the scope to which our land was in jeopardy of being taken from us. If I had any idea how serious this was I would have had my wife join me in the discussion as she is joint property owner.

We will be at the June 11th City Council Meeting. We had our councilman come to our property to meet with us this week. Russ said he would get more information to us, we have not received anything from him at this time. This leads us to believe that this really is not enough time for either parties to be prepared, and will not allow us enough time as owners, to ask questions, get answers and to be fully heard. We request a delay in any decisions to be made until all parties are fully prepared.

Thank you,
Mark and Ruth McCoy
2285 Grand Ave.
West Des Moines, IA 50265