



REPLY TO DES MOINES OFFICE

September 18, 2007

Scott Campbell  
2480 NE 102nd Avenue  
Ankeny, Iowa 50021

These allegations are backed up with documentation from the NE 18th Feasibility Study, the Code of Iowa, Polk County Zoning Ordinances & other documents. The Des Moines MPO chair worked for the Polk County Planning & Zoning department for 19 years. Maybe she should review these allegations before funding is approved for this project.

Dear Mr. Campbell:

I am aware of your follow up with Tom Kane following your receipt of my letter to you dated September 13, 2007.

Thanks to your prior communications as well as your follow up communication, I am aware of your claim that:

1. The city of Ankeny is proposing an *allegedly* illegal project the implementation of which would *allegedly* break numerous county ordinances.
2. The city of Ankeny *allegedly* does not have and *allegedly* cannot obtain boring or sounding data *allegedly* required to determine the engineering feasibility of the NE 18th Overpass project.
3. The city of Ankeny will *allegedly* be unable to exercise the powers of eminent domain to obtain the required land for the project.

MPO planning purposes include the administration of public funds that are being requested for this project.

Why would legitimate projects be scrapped if allegations of illegality are untrue. Are you proposing that the MPO approve the submission of applications for taxpayer funding of illegal projects and ignore public input? Why plan projects if they are to proceed irregardless of their feasibility or legality?

Whether or not any or all of these allegations are well-founded is irrelevant to the treatment of the contemplated project for MPO planning purposes. If all potential problems for final implementation of every contemplated project had to be resolved to everyone's complete satisfaction prior to MPO planning processes going forward, many legitimate projects would have to be scrapped entirely or materially delayed based solely upon the protestations and bare allegations of one or even a few individuals with a bias against or objection to contemplated projects. In my experience, it is seldom that significant projects in a competitive prioritization process enjoy unanimous support.

The issues brought before the MPO have nothing to do with my "bias", "satisfaction" or my "support". This is about legality and feasibility. I have presented detailed information documenting my claims. Why doesn't the MPO want to review them?

I think we can agree that the issues you have raised will need to be

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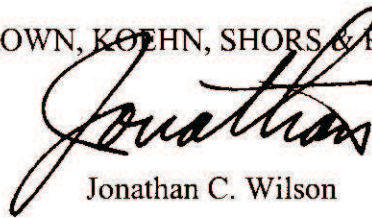
DAVIS BROWN ARCHITECTS & ENGINEERS, P.C.

resolved prior to implementation of the NE 18th Overpass project. That resolution will need to occur between you and the city of Ankeny either reaching some mutual agreement on each of the issues or resorting to a third-party decision-maker for a resolution. The MPO is *not* that third-party decision-maker; the issues that you have raised are beyond the power and jurisdiction of the MPO to adjudicate.

I believe that your recourse is to find some mutually agreeable accommodation between you and the city of Ankeny, or to resort to a third-party resolution in a forum having appropriate jurisdiction.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

A handwritten signature in black ink, appearing to read "Jonathan C. Wilson". The signature is written in a cursive, flowing style.

Jonathan C. Wilson

Cc: Tom Kane, MPO Executive Director  
Angela Connolly, MPO Chair  
Carl Metzger, Ankeny City Manager