


## COUNCIL COMMUNICATION

	Number:	<b>22-101</b>	Meeting:	<b>March 7, 2022</b>
	Agenda Item:	<b>56</b>	Roll Call:	<b>22-0360</b>
	Submitted by:	<b>Jonathan A. Gano, P.E., Public Works Director, and Steven L. Naber, P.E., City Engineer</b>		

### AGENDA HEADING:

Items regarding Wastewater Reclamation Authority (WRA) Birdland Pump Station Replacement Project:

(A) Continued hearing for approval of documents for vacation of a portion of Birdland Park and conveyance to Des Moines Metropolitan WRA for the WRA Birdland Pump Station Replacement Project.

(B) Resolution dedicating a portion of Saylor Road right-of-way adjoining Birdland Park, north of E. Jefferson Avenue.

(C) Approval of an Agreement between the City of Des Moines and the Des Moines Metropolitan WRA for the Birdland Pump Station Replacement, including the grant of temporary right of entry for access and construction.

### SYNOPSIS:

Recommend approval of documents for vacation of a portion of Birdland Park and conveyance of property interests to the WRA; dedication of a portion of Saylor Road right-of-way; and approval of an agreement between the City and WRA relating to the Birdland Pump Station Replacement Project, including the granting of Temporary Right of Entry for property access and construction of the Project.

These actions are required before construction can begin on the WRA Birdland Pump Station Improvements Project.

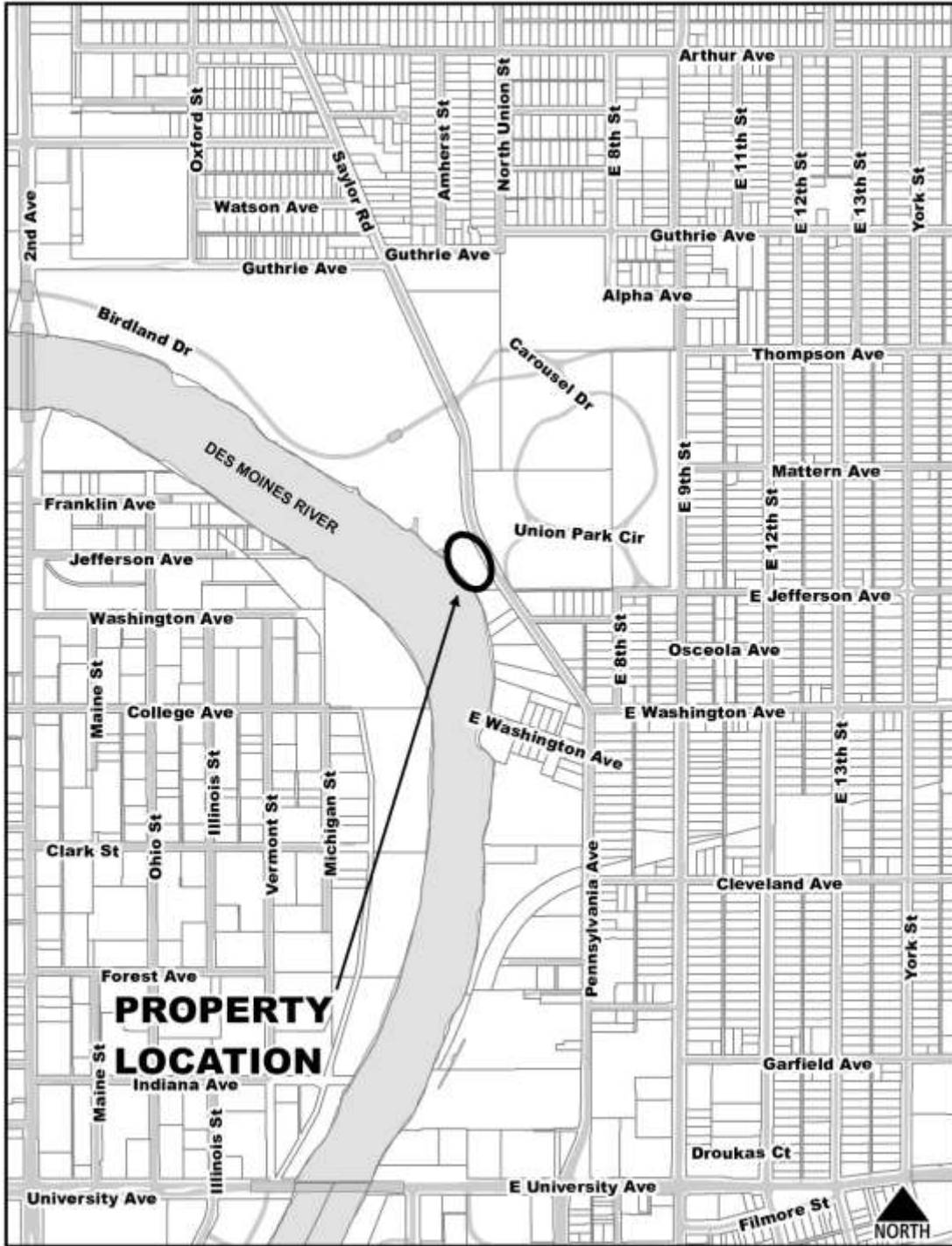
### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- The City is the owner of certain parkland located in Birdland Park, and lying south of and adjoining 1900 Saylor Road, upon which the City constructed and operates a wastewater pump station and related conveyance facilities including a force main sanitary sewer and all related appurtenances thereto.
- The WRA is a legal entity created for the purpose of conveying and treating wastewater from seventeen regional communities, and the City of Des Moines is one of the seventeen member

communities that is a party to the Second Amended and Restated Agreement for the WRA (WRA Agreement).

- Article VII, Section 1 of the Second Amended and Restated Agreement for the WRA Agreement provides for construction of the Birdland Pump Station Replacement as a WRA Core Improvement.
- The construction of the Birdland Pump Station Replacement and demolition of the existing Birdland Pump Station requires transfer of various property interests to the WRA by the City in accordance with Article XV, Section 3 of the WRA Agreement.
- An agreement between the City and WRA is needed to set out the responsibilities for the operation, maintenance and repair of the existing Birdland Pump Station and force main and transfer of operation to the Birdland Pump Station Replacement Project; and for the City to convey title to the property and other necessary property interests to the WRA for the Project.
- After the Replacement Pump Station Improvements are fully operational the City's existing Birdland Pump Station improvements will be transferred by virtue of a Bill of Sale to the WRA.
- Additionally, as part of the title search that was completed on the City's property, it was determined that no public record exists that shows title in the name of the City for a portion of the existing pump station improvements, and portions of adjoining street right-of-way and parkland, which will require the City Council to authorize the use of eminent domain in the near future in order to resolve this title issue.
- After the City completes the eminent domain process required to clear title to the necessary property interests required for portions of the pump station improvements, street right-of-way, and parkland uses, the City will then complete the transfer of required property interests to the WRA and will formally dedicate the affected portions of adjoining street right-of-way and parkland for such uses.
- The City will also need to set a date of hearing to quit claim its interest in the existing 24" diameter force main starting at the Birdland Pump Station site running southerly along the Pennsylvania Ave right-of way and terminating at the manhole located in the intersection of Neola Avenue and Pennsylvania Avenue to the WRA, including the right of access to operate, maintain, repair and replace the force main.



**PREVIOUS COUNCIL ACTION(S):**

Date: February 21, 2022

Roll Call Number: [22-0259](#)

Action: [Continuance](#) of hearing on vacation of a portion of Birdland Park and conveyance to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Birdland Pump Station Replacement Project. (Continued to March 7, 2022). Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- Authorization to acquire property interests under eminent domain in order to clear title to land that is used by the City for the purposes of sanitary sewer, street right-of-way, and parkland.
- Setting date of hearing to quit claim its interest in the existing 24-inch diameter force main starting at the Birdland Pump Station site running southerly along the Pennsylvania Avenue right-of way and terminating at the manhole located in the intersection of Neola Avenue and Pennsylvania Avenue to the WRA, including the right of access to operate, maintain, repair and replace the force main.

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