



Date April 9, 2007

**APPROVAL OF DONATION AGREEMENT WITH BALL CONSTRUCTION SERVICES,
L.L.C. FOR NICOLE MORRISSEY MEMORIAL FOUNTAIN AT JAMES W. COWNIE
SOCCER PARK**

WHEREAS, the Des Moines Park and Recreation Department is charged with maintaining and programming the James W. Cownie Soccer Park (“Soccer Park”); and

WHEREAS, the family and friends of Nicole Morrissey desire to donate a memorial fountain at the James W. Cownie Soccer Park in honor of Nicole Morrissey, who played soccer at the Soccer Park; and

WHEREAS, Ball Construction Services, L.L.C. has agreed to donate as a charitable gift to the City of Des Moines the design and installation of a memorial fountain at the James W. Cownie Soccer Park, for the benefit of the citizens of Des Moines; and

WHEREAS, the principal donor toward the capital improvements of the James W. Cownie Soccer Park, James S. Cownie, is supportive of this addition to the Soccer Park; and

WHEREAS, this donation shall enhance the entrance to the James W. Cownie Soccer Stadium “Coach” Cownie Stadium and the overall Soccer Park; and

WHEREAS, upon acceptance of the improvements by the City Council as stated in the Agreement, the City shall be the owner of the fountain; and

WHEREAS, a Donation Agreement incorporating these terms has been negotiated by City staff and Ball Construction Services, L.L.C., a copy of which is on file in the City Clerk’s Office; and

WHEREAS, the donors desire that the fountain be named the Nicole Morrissey Victory Fountain and that a plaque be placed on such fountain delivering her inspirational message and explaining her story; and

WHEREAS, the donors desire that any coins tossed into the fountain be collected and donated to the Nicole Morrissey Campership Endowment Fund to benefit The Heart Connection Children’s Cancer Center; and

WHEREAS, the City desires to cooperate with Ball Construction Services, L.L. C. by accepting such charitable gift and it is in the best interests of the City to enter into this Donation Agreement to further enhance the James W. Cownie Soccer Park.

Date April 9, 2007

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Nicole Morrissey Memorial Fountain Donation Agreement by and between the City of Des Moines and Ball Construction Services, L.L.C., on file in the City Clerk's Office, is hereby approved, and the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City and the City Clerk is hereby directed to attest to said signature.

BE IT FURTHER RESOLVED by the City Council of the City of Des Moines, Iowa that, upon acceptance of said fountain by the City Council, said fountain shall be named and known as the "Nicole Morrissey Victory Fountain" and all coins collected from said fountain shall be donated to the Nicole Morrissey Campership Endowment Fund to benefit The Heart Connection Children's Cancer Center, or to such successor organization.

(Council Communication Number 07-200)

Moved by _____ to adopt.

Approved as to Form:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk