

Date February 24, 2014

APPROVAL OF A 28E AGREEMENT BETWEEN THE CITY OF DES MOINES AND
POLK COUNTY CONSERVATION BOARD FOR THE CONSTRUCTION AND
MAINTENANCE OF THE MARK C. ACKELSON AND EASTER LAKE SPINE MULTI-
USE RECREATIONAL TRAILS

WHEREAS, the Park and Recreation Department is charged with providing recreational opportunities, leisure activities, and facilities throughout Des Moines; and

WHEREAS, trail development is a very high priority with the citizens of the City of Des Moines and the Des Moines City Council; and

WHEREAS, Ewing Park, owned and operated by the City of Des Moines, abuts the western boundary of Easter Lake Park, owned by Polk County and operated by Polk County Conservation board (PCCB); and

WHEREAS, PCCB has completed the first phase of construction of the Mark C. Ackelson Trail around the perimeter of Easter Lake and desires to commence Phase 2 and Phase 3 of such construction, which are intended to complete the trail around Easter Lake and will include the most western perimeter of Easter Lake, a portion of which is in Ewing Park; and

WHEREAS, in its Phase 3 construction phase, PCCB desires to construct a portion of the Easter Lake Spine Trail within Easter Lake Park from the completed Mark C. Ackelson Trail south to approximately E. Payton Avenue; and

WHEREAS, the City desires that the Mark C. Ackelson Trail be completed, that a trail segment from the Mark C. Ackelson Trail to an existing trail segment in Ewing Park be constructed, and that a City trail segment be constructed on City owned property connecting the Phase 3 Easter Lake Spine Trail segment in Easter Lake Park to E. Payton Avenue to connect to the Easter Lake Spine Trail to be constructed on City property south of E. Payton Avenue; and

WHEREAS, PCCB desires to design and manage the construction of the above described trails improvements on City property as part of the Phase 2 and Phase 3 construction projects in Easter Lake Park; and

WHEREAS, Chapter 28E of the Iowa Code (2013) allows any public agency in Iowa, including municipalities, counties, and county conservation boards to enter into agreements with public or private agencies for joint or cooperative action with respect to any power, privilege, or authority exercised or capable of being exercised by the public agency; and

WHEREAS, the staffs of the Park and Recreation Department and the PCCB have negotiated a 28E Agreement, a copy of which is on file in the City Clerk's Office, whereby the City will pay PCCB up to \$331,000 for construction of the trail improvements on City property, PCCB has agreed to provide management and certain maintenance responsibilities for the Mark C. Ackelson Trail Easter and Lake Spine Trail segments on City property, and the City agrees to name the trail segment on City property around Easter Lake the "Mark. C. Ackelson Trail"; and

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WHEREAS, the 28E Agreement has been approved by the PCCB on February 12, 2014;
and

WHEREAS, it is in the best interests of the City of Des Moines to enter into said 28E Agreement to capitalize on shared costs and improved recreational opportunities for the citizens of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Ackelson and Easter Lake Spine Recreational Trails Construction and Maintenance Chapter 28E Agreement Between the City of Des Moines and the Polk County Conservation Board, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to sign said 28E Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to said signature.

BE IT FURTHER RESOLVED , that the Director of Park and Recreation shall be and is hereby authorized to negotiate and execute an addendum to such Agreement providing for snow removal and related maintenance on the City Trails, subject to approval as to form by the Legal Department.

(Council Communication No. 14- 077)

Moved by _____ to approve.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
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