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Date September 14, 2020

APPROVAL OF AMENDMENT TO LOWER FOURMILE CREEK GREENWAY
MANAGEMENT AND MAINTENANCE CHAPTER 28E AGREEMENT BETWEEN CITY OF DES
MOINES AND POLK COUNTY CONSERVATION BOARD

WHEREAS, on November 6, 2017, by Roll Call No. 17-1901, the City Council approved the Lower Fourmile Creek Greenway Master Plan, which included development of a management and maintenance agreement for the oversight of the entire greenway; and

WHEREAS, on July 25, 2019 by Roll Call No. 19-1121, the Des Moines City Council approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement Between City of Des Moines and Polk County Conservation Board (PCCB); and

WHEREAS, the Agreement provides that the City, in cooperation with PCCB, will develop a plan for removal of all non-city utilities, including roads, lights, and signage when the City determines that such utilities are no longer servicing the residents in a safe manner prior to transfer of such property to Polk County for management by PCCB; and

WHEREAS, the parties are still in the process of developing such plan but have identified the roads to be removed, which could be removed as of the date of this Amendment as no longer servicing the residents and those roads which could be removed at a future date when such roads are no longer servicing the residents in a safe manner; and

WHEREAS, on April 27, 2020, by Roll Call No. 20-0722, the City Council approved programming of funds for FY21 through FY23 for Road removal within the Greenway in the amount of up to \$1,200,000 (\$700,000 in FY 21, \$100,000 in FY 2022, and \$400,000 in FY 2023) and approved the Capital Improvement Budget for FY 21 which included \$700,000 for Road removal; and

WHEREAS, PCCB plans to begin removal of roadways and restoration work on properties owned by Polk County within the Greenway beginning in Fall 2020 and has offered to perform removal and restoration work on adjacent or nearby City owned properties within the Greenway as part of such PCCB project; and

WHEREAS, the City will reimburse PCCB for the bid costs of such road removal; and

WHEREAS, the City Council and PCCB believe that cost savings will result and that it is in the best interest of both entities if the roads are demolished and restored in compliance with the Master Plan by PCCB in conjunction with PCCB projects within the Greenway in lieu of the City performing such removal and restoration.



Roll Call Number

Agenda Item Number

52

Date September 14, 2020

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described Amendment to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement Between the City of Des Moines and 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 Amendment on behalf of the City and the City Clerk is directed to attest to his signature.

(Council Communication No. 20- **383**)

Moved by _____ to adopt.

Approved as to Form:

/s/ Ann DiDonato
Ann DiDonato
Assistant City attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

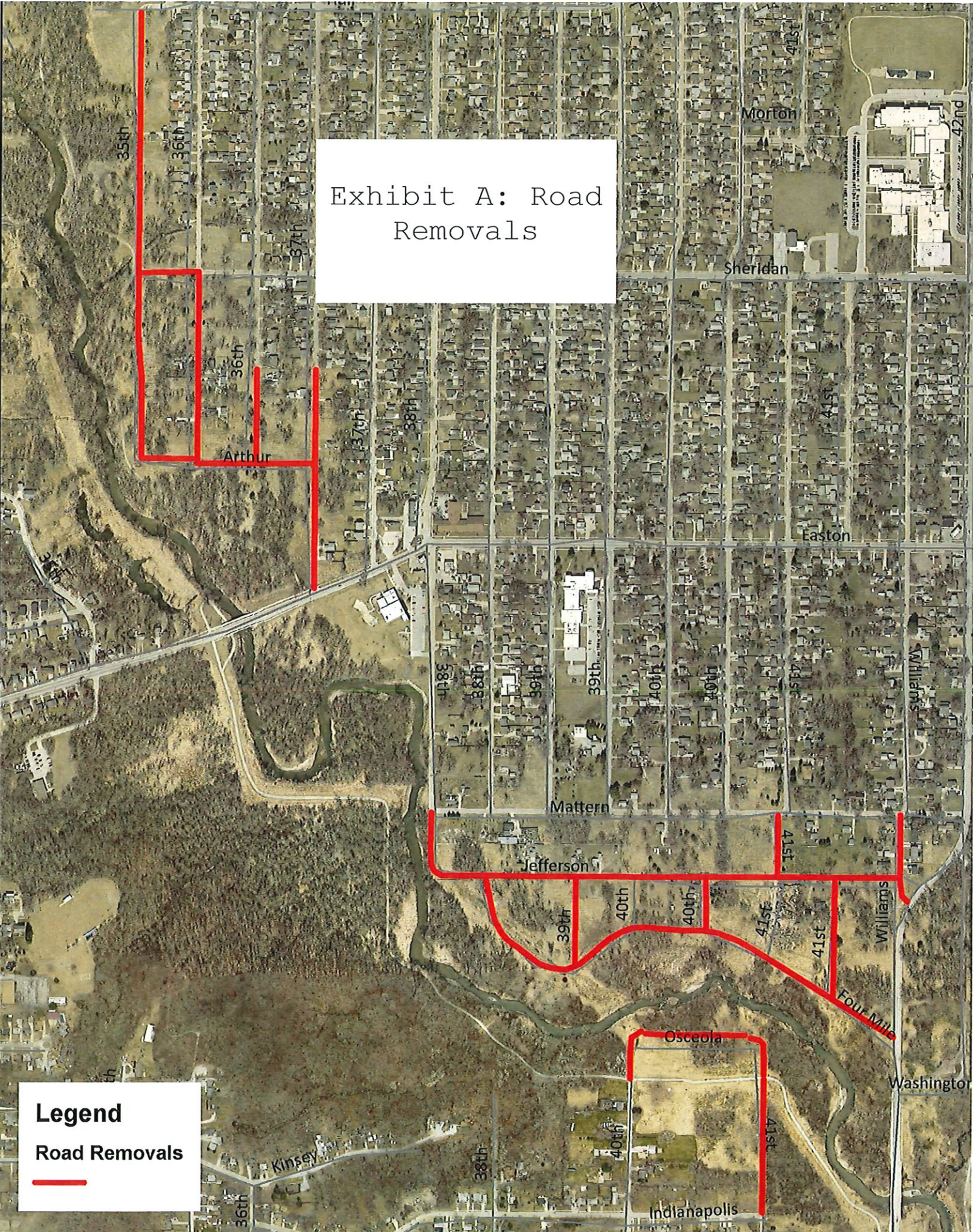
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

Exhibit A: Road Removals



Legend
Road Removals

