

Date March 8, 2021

APPROVAL OF CHAPTER 28E AGREEMENT WITH DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT REGARDING BRODY SCHOOL PARK

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

WHEREAS, on February 12, 2001, by Roll Call No. 01-44, the City Council authorized the execution of the City of Des Moines and Des Moines Independent Community School District Brody Middle School 28E Agreement providing for shared use of an area of the Brody School grounds as a park, establishing a steering committee to establish a master plan for the park and create a priority list of improvements to the park (“the 2001 28E Agreement”); and

WHEREAS, on April 21, 2003, by Roll Call 03-888, the City Council accepted the Master Plan for the Brody Community School Park; and

WHEREAS, on April 5, 2004, by Roll Call No. 04-753, the City Council approved a 28E addendum to the 2001 28E Agreement which provided for the construction, maintenance and shared use of the improvements pursuant to the Master Plan; and

WHEREAS, the 2001 28E Agreement terminated on February 12, 2021, and Parks and Recreation Department staff have negotiated a new 28E Agreement with School District staff to continue to provide for maintenance and shared use of such improvements on the grounds of Brody Middle School, which improvements are owned by the School District, for a term until December 31, 2040, with an option for an additional 20 year term, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City of Des Moines and Des Moines Independent Community School District Brody Middle School Chapter 28E Agreement, a copy of which is on file with the City Clerk’s Office, is hereby approved and that the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.

(Council Communication No. 21-096)

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