

Date November 15, 2021

APPROVAL OF AGREEMENT TO TERMINATE ROBERT D. RAY ASIAN GARDEN
MAINTENANCE AND REPAIR AGREEMENT BETWEEN
THE CITY OF DES MOINES AND
DES MOINES RIVER FRONT DEVELOPMENT AUTHORITY

WHEREAS, on August 29, 2011, by Roll Call No. 11-1527, the City Council approved the Asian Garden Agreement pursuant to which the Des Moines River Front Development Authority is responsible for the maintenance and repair and such costs for improvements at the Robert D. Ray Asian Garden (“the Maintenance Agreement”), with the Maintenance Agreement to be co-terminous with the term of the 2005 Chapter 28E Agreement Between The City Of Des Moines, Iowa And The Des Moines River Front Development Authority For Planning, Constructing And Maintaining Riverfront Improvements In The Downtown Area (“the 28E Agreement”); and


WHEREAS, the Des Moines Riverfront Development Authority (RDA) intends to dissolve as a non-profit corporation by early 2022 and to terminate the 28E Agreement and the Maintenance Agreement prior to such dissolution; and

WHEREAS, the Greater Des Moines Botanical Garden desires to enter into an agreement with the City to be responsible for the maintenance and repair of improvements and to make additional improvements at its sole cost to the Robert D. Ray Asian Garden.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Agreement to Terminate Robert D. Ray Asian Garden Maintenance and Repair Agreement By and Between the City of Des Moines and Des Moines Riverfront Development Authority, a copy of which is on file in the City Clerk’s Office, be and is hereby approved and the Mayor is authorized and directed to sign said Termination Agreement on behalf of the City and the City Clerk is hereby directed to attest to said signature.

(Council Communication No. 21- 494) Moved by _____ to adopt.

APPROVED AS TO FORM:



Ann DiDonato
Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk