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Date May 9, 2022

AUTHORIZATION TO PROCEED WITH VOLUNTARY ACQUISITION OF TEMPORARY EASEMENTS AND COVENANTS TO CONSTRUCT RAIN GARDENS ON PRIVATE PROPERTY WITHIN PRIORITY WATERSHEDS WITH PUBLIC WORKS DEPARTMENT EQUIPMENT AND PERSONNEL IN SUPPORT OF THE GOALS OF THE CITY'S STORMWATER BEST MANAGEMENT PRACTICES REBATE PROGRAM

WHEREAS, flooding and water quality has impacted Des Moines residential and commercial properties; and

WHEREAS, the City has established a stormwater best management practices rebate program to reimburse contributors for qualifying stormwater best management practices which help to enhance the water quality of stormwater runoff and/or decrease the amount of stormwater runoff that enters the stormwater drainage system; and

WHEREAS, priority watersheds have been identified as having a flooding or water quality concern which can be significantly improved by stormwater best management practices, and

WHEREAS, the Public Works Department ("Department") has determined that fostering cooperation with homeowners will help encourage further implementation of the stormwater best management practices; and

WHEREAS, rain gardens have been identified as an effective practice for improving water quality and decreasing runoff from residential lots; and

WHEREAS, the Department has identified certain residential lots within priority watersheds which would significantly benefit the City stormwater management utility system from the installation of rain gardens; and

WHEREAS, upon acquisition of Temporary Easement for Rain Garden Improvements ("Easement(s)") and Declaration of Covenant ("Covenant(s)"), which shall be acquired on a strictly voluntary basis and at no charge to the property owner, the Department will install the rain gardens with Department labor and equipment; and

WHEREAS, the value of the installation of each rain garden and appurtenances related thereto is valued at \$500.00, with such costs including but not limited to excavation, grading, wood chips, plants, and seeding; and

WHEREAS, the \$500.00 value of the installation of the rain garden and appurtenances will be deducted from the rebate amount eligible to that property under the City's Stormwater Best Practices Management Practices Rebate Program; and



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WHEREAS, pursuant to the terms of the Easement and Covenant, upon completion of installation of the rain garden and related appurtenances thereto, the property owner shall be the owner of the rain garden and all related appurtenances thereto, and shall be solely responsible for all continuing maintenance, repair, replacement, and liability for said rain garden and related appurtenances; and

WHEREAS, said Covenant shall terminate 5 years from the date the instrument is recorded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. The Department is hereby authorized to proceed with the necessary activities to obtain the Easements and Covenants and to construct rain gardens on private property within priority watersheds; and
2. The Manager is authorized and directed to sign the Easement and Covenant as identified above.
3. The Department is authorized and directed to forward the original of the Easement and Covenant, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded with the applicable county recorder's office.
4. Upon receipt of the recorded documents back from the County Recorder's office, the Real Estate Division Manager shall retain the original Easement and Covenant and mail a copy to the property owner.
5. There will be no proceeds associated with the acquisition of Easements and Covenants identified above.



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Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
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