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**Date** April 10, 2023

**APPROVAL OF DONATION AGREEMENT WITH DES MOINES PARKS  
AND RECREATION FOUNDATION FOR EVELYN K. DAVIS PARK  
BASKETBALL COURT IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Des Moines, acting through the Parks and Recreation Department, is charged with the responsibility of providing safe park spaces and amenities within the City of Des Moines, and is undertaking the Evelyn K. Davis Park Basketball Court Improvements project and related improvements at Evelyn K. Davis Park, 1400 Forest Avenue (“Project”); and

**WHEREAS**, on December 12, 2022, by Roll Call No. 22-1937, the City Council held a public hearing and accepted the lowest responsive, responsible bid from Gruss Construction, LLC for the construction of the Project; and

**WHEREAS**, in July 2021, the Des Moines Parks and Recreation Foundation d/b/a Friends of Des Moines Parks (the “Foundation”) received grant funding in the amount of \$50,000.00 from the United Way of Central Iowa (UWCI) – United to Thrive Program to be used for the Project; and

**WHEREAS**, the Foundation desires and has offered to use said grant funding to purchase two shade structures, bleachers and landscaping improvements (“Improvements”) required for the Project and donate said Improvements to the City for the benefit of the residents of Des Moines, which Improvements will be reviewed and selected jointly with the City Parks and Recreation Department and acquired solely by the Foundation, and the City desires to accept such donation and use the Improvements for the Project; and

**WHEREAS**, a Donation Agreement between the City of Des Moines and the Foundation, in form on file in the office of the City Clerk, provides for the Foundation to make such purchase and donation of the Improvements to the City for the Project.

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

1. The Donation Agreement between Des Moines Parks & Recreation Foundation (d/b/a Friends of Des Moines Parks) and the City of Des Moines Regarding New Shade Structures and Other Site Improvements at Evelyn K. Davis Park, for the donation of the Improvements for the Evelyn K. Davis Park Basketball Court Improvements project, in form on file in the City Clerk’s Office, is hereby approved, and the Mayor is authorized and directed to sign the Donation Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.
2. The Parks and Recreation Department Director or designee is authorized and directed to administer and monitor the Agreement on behalf of the City, including acceptance, review and inspection of the donated Improvements and assignment of the vendor warranties for the Improvements in form approved by the Legal Department.



**Roll Call Number**

**Agenda Item Number**

67

Date April 10, 2023

(Council Communication No. 23- **166** )

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, Laura Baumgartner, 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