

★ Roll Call Number
13-1685

Agenda Item Number
51

Date October 21, 2013

APPROVING COMPLETION AND ACCEPTANCE OF THE JOINT PUBLIC SERVICE PROJECT BETWEEN THE CITIES OF DES MOINES AND JOHNSTON, POLK COUNTY, AND THE POLK COUNTY CONSERVATION BOARD FOR THE TRESTLE TO TRESTLE MULTI-USE RECREATIONAL TRAIL PROJECT FROM THE INTERURBAN TRAIL AT THE DES MOINES RIVER TO THE BEAVER CREEK BRIDGE NORTH OF I-35/80

WHEREAS, on January 22, 2007 under Roll Call No. 07-169, the City Council approved execution of a 28E Agreement between the Cities of Des Moines and Johnston, Polk County and Polk County Conservation Board for the Trestle to Trestle Multi-Use Recreational Trail Joint Public Service project, since the project is located in both the City Corporate Limits of Des Moines and Johnston and also unincorporated Polk County, requiring improvements to be developed in a coordinated manner; and

WHEREAS, Polk County is the lead agency for the project, including construction, and the Agreement provides that the City will own the trail improvements, except for the portion that is within Johnston, upon its completion; and

WHEREAS, the Agreement requires the City to reimburse the County the agreed upon amount for the construction costs and the County is to provide written notice of project completion to the City declaring and certifying the improvements have been completed and constructed in substantial conformance with the plans and specifications and that all construction contracts have been paid in full and the County is to recommend final acceptance of the improvements by the City; and

WHEREAS, the City of Des Moines has reimbursed Polk County the agreed upon construction amount of \$150,000, and Polk County has provided written notice of project completion to the City declaring and certified the improvements have been completed and constructed in substantial conformance with the plans and specifications and that all construction contracts have been paid in full and Polk County has recommended final acceptance of the improvements by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the attached notice from Polk County of project completion and recommendation of final acceptance by the City of Des Moines of trail project improvements, be received and filed; and that in accordance with the Agreement that was approved under Roll Call No. 07-169, that said trail project improvements, excluding those improvements constructed within the City of Johnston, are hereby approved and accepted.

Moved by *Gries* to adopt.

FORM APPROVED: *Ann DiDonato*
Ann DiDonato
Assistant City Attorney

SEB

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk