

**CITY COUNCIL COMMUNICATION 97-538
NOVEMBER 3, 1997 AGENDA**

SUBJECT:

**GREATER DES MOINES FOUNDATION
28E AGREEMENT**

SUBMITTED BY:

**DONALD TRIPP
PARK AND RECREATION DIRECTOR**

SYNOPSIS –

Accept the 28E Agreement between the City of Des Moines and the Greater Des Moines Foundation.

FISCAL IMPACT –

There will be no cost to the City of Des Moines for these improvements. The Foundation will build and gift these improvements to the City of Des Moines following completion of the work. The Foundation will be financing these improvements through private gifts.

RECOMMENDATION –

Approve.

BACKGROUND –

The 28E Agreement with the Greater Des Moines Foundation will allow the Foundation to use private corporate contributions to negotiate a contract with a construction company to complete the grading and on-site utilities work at the Greater Des Moines Softball Park. The Foundation will also pay the City for providing a project engineer to observe and ensure the contractor complies with the proposed construction documents and insurance requirements.

Upon completion, the City will let for public bid the construction of the maintenance building and first four fields, including the restroom/concession building.

Depending on the construction time table and success of this project, the Foundation may enter

into another agreement with the City to negotiate certain identified further site improvements, such as lighting and fencing.

The Iowa Supreme Court has upheld the rezoning and issuance of the conditional use permit needed to construct the Softball Park. The City of Des Moines' Legal Department has offered an opinion that the litigation should no longer be considered an impediment to the construction of the Greater Des Moines Softball Park.

The total cost of the completion of the Softball Park is estimated to be \$3 million. The remainder of the funds will come from a combination of private gifts, Capital Improvement Program, and General Obligation Bonds.