

**CITY COUNCIL  
COMMUNICATION:**

**02-648**

**AGENDA:**

DECEMBER 16, 2002

**SUBJECT:**

28E AGREEMENT  
WITH DES MOINES  
WATER WORKS  
REGARDING ML  
KING JR. PARKWAY  
IMPROVEMENTS

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

JOHN F. MCKEE,  
P.E.  
ACTING CITY  
ENGINEER

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

The City of Des Moines and the Des Moines Water Works have negotiated a 28E Agreement for the design and construction of water utility facilities which must be relocated and reconstructed to accommodate the construction of the Martin Luther King Jr. Parkway from the Raccoon River Bridges to near the Des Moines Water Works. The agreement also provides for design, construction, and ongoing maintenance of riverbank improvements necessary to maintain the hydraulic efficiency of the Raccoon River.

**FISCAL IMPACT —**

Funding for the Des Moines share as outlined below is budgeted in the Capital Improvements Program, CIP Index 383943, Martin Luther King Jr. Parkway-East/West Segment, Fund CP038, Organization ENG990000, Project STR039 under the line item for Fleur Drive Grading, Paving, and Bridge over Fleur Ramp with a Total Budget of \$9.3 million. The Des Moines Water Works is also responsible for funding as outlined below.

**RECOMMENDATION —**

**Approval of 28E Agreement**

**BACKGROUND —**

The construction of the north/south and east/west bridges over the Raccoon River require approach embankment and bridge abutments to be constructed on property owned by the Des Moines Water Works (DMWW); and in addition, roadway will also be constructed on Water Works property. This Chapter 28E Agreement provides for the acquisition and rededication of property necessary for ML King Jr. Parkway Project Improvements; provides for design, relocation, and reconstruction of affected DMWW facilities; and provides for the distribution of costs between Des Moines and DMWW as follows:

- Raw Water Main Relocation. This project includes relocation of a forty eight inch (48") raw water main on the east side of the Raccoon River from its current alignment in an easement on property owned by DICO, Inc. into an easement which the City will acquire from Meredith Corporation; and includes construction of a

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raw water main, construction of a new Raccoon River crossing, and connecting into the existing 48" raw main on the west side of the River. This project is to be designed by DMWW and constructed by Des Moines. DMWW will operate and maintain said improvements. DMWW's preliminary estimate to construct the Raw Water Main Relocation Project, including a 15% contingency, is \$1,262,412.50. Des Moines agrees to pay the cost of constructing the Raw Water Main Relocation project; however, the parties agree that if the actual construction exceeds the \$1,262,412.50 estimate, they will each share equally in any additional construction costs.

- Miscellaneous Water Utility Facilities Relocation Project. This project includes relocation and reconstruction of various water utility facilities situated south and west of the Raccoon River near the DMWW Plant. The project improvements are to be designed, constructed and operated by DMWW. DMWW's preliminary estimate to construct the Miscellaneous Water Utility Facilities Relocation Project, including a 15% contingency, is \$1,361,738.00. DMWW agrees to pay the cost of constructing the Miscellaneous Water Utility Facilities Relocation project; however, the parties agree that if the actual construction exceeds the \$1,361,738.00 estimate, they will each share equally in any additional construction costs.
- Riverbank Improvement Project. This project includes grading and shaping of the south and west Raccoon River banks, from approximately eight hundred and fifty (850') upstream of the North-South ML King Jr. bridge to approximately seven hundred and fifty (750') downstream of the East-West ML King Jr. bridge, to accommodate river flows given the construction of bridge abutments and embankments in the floodplain. This project will be designed, constructed, and paid by Des Moines. Upon project completion: (a) DMWW shall perform all horticultural maintenance (mowing, removal of trees and brush, etc.), except in areas where bank stabilization prevents routine mowing and maintenance activities; and (b) Des Moines shall perform horticultural maintenance (mowing, removal of trees and brush, etc.) where bank stabilization prevents routine mowing and maintenance activities by DMWW. Des Moines shall also periodically remove accumulations of sedimentation and silt within the project limits as required or directed by the U.S. Army Corps of Engineers.
- Des Moines agrees to acquire any permanent or temporary easements necessary to accommodate the relocation and reconstruction of the raw water main, and such permanent easements necessary to accommodate DMWW's operation, maintenance, repair and replacement of said raw water main. DMWW agrees to pay Des Moines 40% of the consideration paid to the property owner.
- Upon completion and final acceptance of the Miscellaneous Water Utility Facilities Relocation Project, DMWW will execute and deliver to Des Moines a Permanent Easement for Roadway and Bridge

	<p>Structures, assignable to the Iowa DOT, for construction, operation, maintenance, repair and replacement of all bridge approach embankments, bridge abutments, bridge and roadway improvements to be constructed on DMWW property as part of the MLK Jr. Project. Said easement shall reserve to DMWW the use of the easement area for all existing water utility facilities within the easement area.</p>
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