

 Council Communication Office of the City Manager	Date	April 23, 2007
	Agenda Item No. 65 Roll Call No. <u>07-</u> Communication No. <u>07-246</u> Submitted by: Richard A. Clark, City Manager	

AGENDA HEADING:

Resolution to approve Zoo Expansion and New County Park Land Transfer Agreement Between City of Des Moines, Polk County Conservation Board, Polk County, and Blank Park Zoo Foundation

SYNOPSIS:

Recommend approval of a 28E Agreement between the City of Des Moines, Polk County, the Polk County Conservation Board (PCCB), and the Blank Park Zoo Foundation, which includes the transfer of a portion of the Fort Des Moines Park (approximately 65 acres) to the City of Des Moines for the expansion of the A H Blank Park Zoo, and the transfer by the Foundation to PCCB of approximately 62 Acres for use as a park.

FISCAL IMPACT:Amount:

\$25,000 potential commitment to reimburse Polk County if the conveyance does not occur, to pay for verified sunk costs related to their study of this conveyance. In addition, costs for survey, abstracting, environmental, and geotechnical work are estimated to be \$45,000.

Funding Source:

2007-2008/2012-13 CIP, Park Improvements, Blank Park Zoo Improvements, pg. 4

- \$18,000,000 commitment to Zoo from Project Destiny funds should the referendum be approved.

ADDITIONAL INFORMATION:

On March 12, 2007, by Roll Call No. 07-498, the City Council approved principals to guide an agreement between the City, Polk County, the Foundation, and the PCCB and directed the City Manager to negotiate an agreement consistent with such principles, which includes the transfer a portion of Fort Des Moines Park to the City for such Zoo expansion, the transfer by the Foundation to PCCB of an approximately 62 acre tract of land for use as a park, and the parties' agreement to cooperate to jointly develop a master plan for uses of the parties' properties and facilities within the "Super Block;"

- Development of this project has strong potential to create a significant zoo-park complex on Des Moines' Southside. The public will have enhanced opportunities to learn about both local and global conservation efforts, have a memorable zoo experience, and enjoy extended time in the great outdoors within an urban setting.

- The Blank Park Zoo Foundation shall raise or obtain commitments in the amount of \$25 million to be used for expansion of the Zoo at the Fort Des Moines Park property to be conveyed to the City, which will include a \$5 million fund to be transferred to the PCCB for a new Southside park, to be owned by the County and managed by PCCB. No construction will occur in Fort Des Moines Park until the full \$25 million is raised or committed, and the \$5,000,000 transferred to the PCCB. This agreement will terminate on July 3, 2008, if the Zoo Foundation does not secure the required funding.
- Upon written documentation provided by the Zoo that the aforementioned \$25 million is available, the Polk County Conservation Board shall transfer land (approximately 65 acres including lake and dam) to the City of Des Moines to accommodate the expansion of the Zoo. This preserves the public ownership of the existing parkland, and retains approximately 50+ acres of the uniquely timbered portion of the Fort Des Moines Park by the PCCB.
- The Zoo Foundation shall convey to PCCB approximately 62 acres of land suitable for development as a park in a location acceptable to the PCCB and in close proximity to the Fort Des Moines Park.
- Both conveyances of property are subject to conditions designed to protect the interests of all the parties, including that the parties agree on the boundaries of the conveyed properties, no prohibitive land use restrictions are found, and the parties are satisfied with the results of on site inspections, surveys, audits, tests, or studies.
- The Zoo Foundation and PCCB will jointly design a "Gateway Feature" to promote and encourage zoo-goers exiting the zoo to enjoy/use Fort Des Moines Park as part of the zoo experience.
- During development of the zoological park, design plans and construction will be coordinated with PCCB, and PCCB will be allowed first opportunity to acquire any trees proposed for removal from the original Fort Des Moines parklands prior to removal.
- The playground will be removed by the Zoo and provided to PCCB for use within its park system.
- The Fort Des Moines Park land to be conveyed to the City for Zoo expansion shall include a conservation easement to be held by the PCCB to ensure no degradation of water quality at the lake, and to protect the oak/aspen area of the park.
- There will be a master planning project for the area public spaces known as the "Super Block." These areas currently make up the Blank Park Zoo, Fort Des Moines Park, Blank Park Golf Course, Fort Des Moines Historic areas, and Des Moines Public Schools. The PCCB will be included in this planning. This plan ensures that all the various elements are planned and improved in such a way as to create a unified, integrated, and mutually supportive development.

This agreement has not been approved by the County Board of Supervisors or Polk County Conservation Board (PCCB). PCCB has asked that a complete survey and legal description of the land be developed prior to their approval of this agreement. Also, PCCB has asked that a conservation easement that outlines protection of the old oak forest and the lake be developed and agreed to before they consider adoption of the 28E Agreement. The Zoo Foundation has approved execution of the agreement. Staff from the City, PCCB and the Zoo have met on site and agreed on field boundaries, which have been marked by lathe. Survey work is in process. The proposed Zoo expansion property is subject to National Park Service land use requirements and restrictions. The City has conducted extensive research on existing covenants that will require Federal government approval. Phase 1 environmental work has been initiated and staff is working to acquire building plans of the dam from the County. None of the research to date has resulted in a substantial reason to not go through with this conveyance. Nevertheless, the City is taking care to perform due diligence on this transaction.

PREVIOUS COUNCIL ACTION(S):

Date: March 12, 2007

Roll Call Number: 07-498

Action: [Principles](#) of an Agreement between the Polk County Conservation Board, the Polk County Board of Supervisors and the Blank Park Zoo Foundation regarding expansion of the Blank Park Zoo, and authorizing City Manager to negotiate the agreement. Moved by Meyer to adopt; refer to the City Manager to review the conservation of the “Parade Grounds” and Fort Des Moines areas. Motion Carried 6-1.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Council must approve the conveyance deed upon satisfactory completion of all conditions.