



Council Communication

Office of the City Manager

Date	October 22, 2007
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Agenda Item No.	53
Roll Call No.	07-
Communication No.	07-633
Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Approving a Chapter 28E Intergovernmental Agreement by and between the City of Des Moines, Iowa, and the Polk County Conservation Board for Wetlands Mitigation for the American Discovery Trail, Walnut Creek Connection.

SYNOPSIS:

Approval of a Chapter 28E Intergovernmental Agreement by and between the City of Des Moines, Iowa and the Polk County Conservation Board for Wetlands Mitigation for the American Discovery Trail, Walnut Creek Connection, which states that the City is to acquire a permanent conservation easement interest in approximately 22 acres of land adjacent to the Chichaqua Wildlife Area, develop said lands as a wetlands area, and assign said lands to the County for maintenance as a wetlands. In consideration for this the County is to maintain said area as wetlands in compliance with the requirements of the COE 404 permit and other applicable State and Federal laws and regulations.

FISCAL IMPACT:

Amount: There is no direct, quantifiable financial obligation related to this 28E Agreement. However, the City of Des Moines will be required to maintain the site as a developing wetland for a five-year maintenance period as specified in the COE 404 Permit, at which time Polk County assumes the maintenance.

Funding Source: 2007-08 CIP, Park Improvements - Recreation Trails, PKS045, Page 22.

ADDITIONAL INFORMATION:

The 0.9-mile alignment of Segment 3 of the Walnut Creek Connection of the American Discovery Trail (ADT) will be a ten-foot wide asphalt recreational trail along the east side of Walnut Creek that will connect other segments of the ADT between North Valley Drive and the Bill Riley Trail in Ashworth Park.

Section 404 of the Clean Water Act requires the City of Des Moines to mitigate the loss of wetlands as defined under Executive Order 11990 – Protection of Wetlands. Existing wetlands will be impacted by the construction of the American Discovery Trail – Segment 3 Project. City staff has identified a suitable wetlands mitigation site near the Chichaqua Bottoms Greenbelt located in northeast Polk County. The site is owned by the Iowa Natural Heritage Foundation (INHF) and currently consists of approximately 113 acres located south of NE 118th Avenue and east of NE 82nd Street. The City will acquire a permanent conservation easement over approximately 22 acres of the property for wetland mitigation requirements for Segment 3 and

potential future phases of this project. This agreement will allow Polk County to incorporate the wetlands mitigation site into their adjacent Chichaqua Bottoms Greenbelt property. It will also relieve the City of all future maintenance and wetlands mitigation compliance with the United States Army Corps of Engineers.

PREVIOUS COUNCIL ACTION(S):

Date: June 18, 2007

Roll Call Number: [07-1152](#)

Action: Resolution establishing fair market value for a permanent easement for wetlands mitigation located in northeast Polk County from the Iowa Natural Heritage Foundation for the American Discovery Trail – Phase 3, in the amount of \$72,600. ([Council Communication No. 07-374](#)) Moved by Coleman to adopt. Motion Carried 6-1.

Date: December 6, 2004

Roll Call Number: [04-2609](#)

Action: Authorization to proceed with right-of-way acquisition for the American Discovery Trail, Walnut Creek Connection, Phase III-Segment A, \$450,000. ([Council Communication No. 04-620](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 16, 2002

Roll Call Number: 02-2976

Action: Revised Trails Plan for the City to include both on-street and off-street trails, and to replace existing Trails Plan maintained by the local Metropolitan Planning Organization, (MPO). ([Council Communication No. 02-640](#)). Moved by Hensley to approve. Motion Carried 6-1. Absent: Vlassis.

BOARD/COMMISSION ACTION(S):

Date: November 26, 2002

Roll Call Number: N/A

Action: Approval of Trail Plan by the Des Moines Park and Recreational Board.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Construction of the American Discovery Trail Phase 3 and the associated wetland mitigation.