

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	August 10, 2009
	Agenda Item No. 22 Roll Call No. <u>09-</u> Communication No. <u>09-567</u> Submitted by: Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Approval of environmental covenant between the City of Des Moines, the Iowa Department of Natural Resources and MidAmerican Energy Company for the Southeast Connector project – SW 2nd Street to SE 6th Street Phase.

SYNOPSIS:

Recommend Council approval of environmental covenant between the City of Des Moines, the Iowa Department of Natural Resources and MidAmerican Energy Company, 666 Grand Avenue, Des Moines, Iowa 50309, Gregory E. Abel, Director, for the Southeast Connector Project – SW 2nd Street to SE 6th Street Phase. The Southeast Connector Project required several easements for right-of-way and construction purposes from this real property owned by MidAmerican Energy Company and located at 200 SE 3rd Street. The property is monitored and regulated by the Iowa Department of Natural Resources (IDNR), and MidAmerican Energy Company (MEC), as owner, and the City, as easement holder, have been required by IDNR to prepare and execute an Environmental Covenant restricting certain uses of the property. The City’s Legal and Engineering Departments have negotiated the terms of the Environmental Covenant with MEC and IDNR in order to protect the City’s interest in the acquired property and in construction of the SE Connector Project, and said Covenant must now be approved by City Council before final approval by IDNR.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The Southeast Connector project provides for a four-lane extension of the east/west segment of Martin Luther King Jr. Parkway across the Des Moines River to S.E. 14th Street. The project will improve access to the central business district, reduce traffic congestion, noise, and pollution, and provide better access for industrial areas in the central city. All necessary property rights have been successfully acquired to permit construction of the project from SW 2nd Avenue to SE 11th Street.

On March 10, 2008, by Roll Call No. 08-378, City Council approved the acquisition of the required easement interests from the property located at 200 SE 3rd Street, which is monitored and regulated by the IDNR. MEC, as owner, and the City, as easement holder, have been required by IDNR to prepare and execute an Environmental Covenant restricting certain uses of the property. The City’s Legal and

Engineering Departments have negotiated the terms of the Environmental Covenant with MEC and IDNR in order to protect the City's interest in the acquired property and in construction of the SE Connector Project, including activity and use terms consistent with project construction plans, and requirements allowing the City Engineer to monitor access by IDNR and MEC to the property. The City and IDNR further agreed that the City will not be required to subordinate its easement interests to the Environmental Covenant, as originally requested by IDNR, by approving and executing the agreement.

PREVIOUS COUNCIL ACTION(S):

Date: March 10, 2008

Roll Call Number: 08-378

Action: Approving right-of-way Acquisition Settlement Agreement and accepting easements from MidAmerica Development Company and MidAmerican Energy Company for the Southeast Connector Project – SW 2nd to SE 6th Street Phase. (Council Communication No. 08-117) Moved by Hensley to adopt. Motion Carried 7-0.

Date: September 24, 2007

Roll Call Number: 07-1829

Action: Establishing fair market value and authorizing acquisition of 200 SE 3rd Street for the Southeast Connector Project – SW 2nd to SE 6th Street Phase. (Council Communication No. 07-578) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: April 25, 2005

Roll Call Number: 05-969

Action: Authorization to proceed with acquisition of the necessary right-of-way and easements for the SE Connector Project from SW 2nd Street to SE 14th Street. Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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