



# Council Communication

Office of the City Manager

<b>Date</b>	February 22, 2010
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<b>Agenda Item No.</b>	<b>9</b>
<b>Roll Call No.</b>	<b><u>10-</u></b>
<b>Communication No.</b>	<b><u>10-090</u></b>
<b>Submitted by: William G. Stowe, Assistant City Manager-Public Works Director, and Jeb E. Brewer, P.E. City Engineer</b>	

## **AGENDA HEADING:**

Approving compensation agreement for relocation of water utility facilities in connection with the Des Moines and Raccoon Rivers – Birdland Levee Project.

## **SYNOPSIS:**

Recommend approval of Compensation Agreement for Relocation of Water Utility Facilities in Connection with the Des Moines and Raccoon Rivers Project that provides reimbursement to Des Moines Water Works for relocation of water mains identified in conflict with the Birdland levee project.

## **FISCAL IMPACT:**

Amount: \$363,715

Funding Source: 2009/10 CIP, Flood Protection System Improvements, Page Storm Water Improvements – 11, FLD008.

## **ADDITIONAL INFORMATION:**

On October 12, 2009, by Roll Call No. 09-1833, the City Council approved the Project Partnership Agreement (PPA) between the City and the Department of the Army for Construction of the Des Moines and Raccoon Rivers Project. The PPA includes the financial obligations and work related responsibilities of the Corps of Engineers and the City for the Birdland levee project. In accordance with the PPA, the City is responsible for acquiring all lands, easements, rights-of-way, and relocations required for the project. This responsibility includes relocation of utilities. The City costs are related to the levee and will be credited toward the required 35% local share for the flood damage reduction costs.

The Corps of Engineers identified utilities in conflict with the flood reduction features that must be relocated, including the following water lines: the existing water mains in 6<sup>th</sup> Avenue in the area of the levee north of the bridge over the Des Moines River, the 16” water main currently located in Guthrie Avenue between 2<sup>nd</sup> Avenue and Saylor Road and the water service to the Birdland Park Shelter at Guthrie Avenue and Saylor Road. The existing water mains within the right-of-way of 6<sup>th</sup> Avenue will be relocated within the right-of-way of 6<sup>th</sup> Avenue. The 16” water main generally within the right-of-way of Guthrie Avenue will be relocated into Birdland Park, primarily within Birdland Drive (a park road), and along Saylor Road within Union Park outside the area needed for flood protection. The water service for the Birdland Park Shelter will be relocated to the east to avoid crossing the levee.

The compensation agreement provides that Des Moines Water Works (DMWW) will design and construct the relocated water lines and that following construction, the City will hold a public hearing to convey an easement to DMWW where the water mains are located within City Park property. DMWW will be reimbursed by the City for the construction costs to relocate the 16" water mains and the water service to the Birdland Park Shelter. DMWW is responsible for costs associated with relocation of the 12" mains in 6<sup>th</sup> Avenue and work not required by the City relocations. The anticipated City cost of \$363,715 is based on the bids received by DMWW. If construction costs exceed this amount, the City will be responsible for increased costs associated with the relocation of the 16" water mains and the water service to the Birdland Park Shelter. The Parks and Recreation Board has approved the plans prepared by Des Moines Water Works and approved the proposal to grant an easement for the water main within Birdland and Union Parks.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 12, 2009

Roll Call Number: 09-1834

Action: Authorization to proceed with acquisition of the necessary right-of-way and easements. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: October 12, 2009

Roll Call Number: 09-1833

Action: Approving Project Partnership Agreement with Department of the Army for construction. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: 09-1395

Action: Authorization to submit a grant application to I-Jobs for flood related improvements, repair and mitigation and other public improvements and approval of City of Des Moines matching fund commitment requirements. (Council Communication No. 09-518) Moved by Meyer to approve. Motion Carried 7-0.

Date: January 26, 2009

Roll Call Number: 09-070

Action: Approving Amendment No. 1 to the Design Agreement with The Department of the Army for design of the Des Moines and Raccoon Rivers Project. (Birdland and Central Place Levees) (Council Communication No. 09-048) Moved by Vlassis to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: January 26, 2010

Roll Call Number: 10-007

Action: Parks and Recreation Board motion by Murphy to approve plans and granting an easement for a waterline main relocation along Birdland Drive and within Union Park. Seconded by Modersohn. A friendly amendment by Galloway to protect nearby trees with fencing. Motion carried with friendly amendment.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Public hearing to convey easement to DMWW for the relocated water main following construction.

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