

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	March 11, 2013
	<b>Agenda Item No.</b>	<b>39</b>
	<b>Roll Call No.</b>	<b><u>13-0422</u></b>
	<b>Communication No.</b>	<b><u>13-111</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

Hold hearing for conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement.

**SYNOPSIS:**

Recommend approval for conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement. On May 5, 2008, City Council approved a 28E Intergovernmental Agreement between the City of Des Moines and the Polk County Conservation Board for the joint exercise of powers to acquire, develop and maintain a wetlands area as part of the City’s Euclid Avenue Detention Basin Project. In exchange for Polk County Conservation Board’s maintenance of the property, the City is now required to convey the property to them for perpetual use as wetlands. There is no current or anticipated future public need for this property. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

On May 5, 2008, by Roll Call No. 08-835, the City Council approved a Chapter 28E Intergovernmental Agreement by and between the City of Des Moines and the Polk County Conservation Board for the joint exercise of powers to acquire, develop and maintain a wetlands area, as part of a wetlands mitigation project resulting from the City’s Euclid Avenue Detention Basin construction project and U.S. Army Corps of Engineers Section 404 permits related thereto. Later, this area was expanded to include mitigation for other projects, including Birdland Levee. Pursuant to this 28E Agreement, the Polk County Conservation Board has been maintaining as wetlands 84.9 acres of land acquired and developed by the City in the vicinity of U.S. Highway 65 and the Skunk River within the Chicaqua Wildlife Area. In exchange for this maintenance work, the City is now required to convey the property to Polk County Conservation Board for perpetual use as wetlands in compliance with the requirements of the Section 404 permit and other applicable State and Federal laws and regulations.

The conveyance of the City-owned property to Polk County Conservation Board will be subject to certain conditions including a permanent easement for use, management, operation and maintenance of the property as wetlands by the Board, reversion of the property to the City in the event the Board fails to fulfill these obligations, a temporary easement upon the property for ingress and egress by the U.S.



Roll Call Number: 13-0306

Action: [On](#) conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement, (3-11-13). Moved by Hensley to adopt. Motion Carried 7-0.

Date: May 5, 2008

Roll Call Number: 08-835

Action: [Intergovernmental](#) 28E Agreement with Polk County Conservation Board for Wetlands Mitigation. ([Council Communication No. 08-257](#)). Moved by Kiernan to adopt. Motion Carried 6-1.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).