


COUNCIL COMMUNICATION

	Number:	20-383	Meeting:	September 14, 2020
	Agenda Item:	52	Roll Call:	20-1459
	Submitted by:	Benjamin R. Page, Park and Recreation Director		

AGENDA HEADING:

Approval of Amendment to Fourmile Creek Greenway Management and Maintenance 28E Agreement.

SYNOPSIS:

Recommend approval of an amendment to the Fourmile Creek Greenway Management and Maintenance Agreement outlining roles and responsibilities for the overall management of the Fourmile Creek Greenway in the City of Des Moines. The amendment provides a mechanism for Polk County Conservation Board (PCCB) to remove roadways as part of their restoration work and the City to reimburse them for the road removal work.

FISCAL IMPACT:

Amount: \$700,000 in FY 2021, Programmed \$100,000 in FY2022, and \$400,000 in FY 2023 Capital Improvement Program budget

Funding Source: Capital Improvement Program FY2019-2020/2024-2025 Park Improvements, page 26

ADDITIONAL INFORMATION:

- On November 6, 2017, by Roll Call No. 17-1901, the City Council approved the Lower Fourmile Creek Greenway Master Plan. One (1) of the first steps in implementing this plan was to develop a management and maintenance agreement for the oversight of the entire greenway. The full master plan can be found online at: <https://fourmilecreekwatershed.org/greenway-plan/>.
- On July 15, 2019, by Roll Call No. 19-1121, the City Council approved the Fourmile Creek Greenway Management and Maintenance Agreement with PCCB.
- PCCB agrees and acknowledges that the removal of the roads requires vacation of such right-of-way pursuant to the requirements of the Iowa Code and City approval through the City's street Right-of-Way vacation process. PCCB acknowledges that, in order for a Road vacation to proceed, among other requirements, the City must own all adjacent property. It is the intention of the parties that such property will be conveyed to PCCB by a separate agreement. PCCB agrees to initiate such vacation process by making application for such vacation to the City's Community Development Department requesting such vacation.

- After vacation of the roads by enactment of a vacation ordinance by the Des Moines City Council and publication of such ordinance as provided by law, the City agrees that PCCB may commence demolition and removal of the identified roadway and incidental items from such vacated roads at a time mutually agreed upon between the City Parks and Recreation Director and the PCCB Deputy Director.
- The City and PCCB anticipate cost savings by demolishing the roads and doing the restoration work in conjunction with PCCB projects within the Greenway.
- Upon completion of the removal and restoration of the roads and approval of such work by the Parks and Recreation Director, the City agrees to reimburse PCCB for the cost of such work in the amount not to exceed the Council approved funding. Payments shall be made within 30 days of receipt of the invoice and supporting documentation.
- Removal of utility poles and signs will be coordinated with the City's Engineering/Traffic & Transportation Division and MidAmerican Energy. All other utilities will remain in place.

PREVIOUS COUNCIL ACTION(S):

Date: July 15, 2019

Roll Call Number: [19-1121](#)

Action: [Lower](#) Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with Polk County Conservation Board. ([Council Communication No. 19-322](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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