

January 22, 2007  
Date.....

APPROVAL OF A 28E AGREEMENT BETWEEN THE CITIES OF DES MOINES AND  
JOHNSTON, POLK COUNTY AND POLK COUNTY CONSERVATION BOARD FOR THE  
CONSTRUCTION AND MAINTENANCE OF THE TRESTLE-TO-TRESTLE MULTI-USE  
RECREATIONAL TRAIL

WHEREAS, the Park and Recreation Department is charged with providing recreational opportunities, leisure activities, and facilities throughout Des Moines; and

WHEREAS, trail development is a very high priority with the citizens of the City of Des Moines and the Des Moines City Council; and

WHEREAS, the City, Polk County, Polk County Conservation Board ("PCCB"), and the City of Johnston desire to construct a multi-use recreational trail to connect the City of Des Moines Inter-Urban to the City of Johnston trail system ("the Trail"; and

WHEREAS, the Trail will be constructed on portions of the abandoned Des Moines to Johnston railroad bed owned by the City, State of Iowa right-of-way for Interstate 80/35 and approximately 1,100 linear feet along Euclid Avenue of real property owned by Polk County; and

WHEREAS, upon completion of the Trail, the City will own the Trail, except for that portion which is within the city limits of the City of Johnston; and

WHEREAS, the parties have agreed as to maintenance responsibilities; and

WHEREAS, Polk County desires to design and manage the construction of the Trail improvements; and

WHEREAS, Chapter 28E of the Iowa Code (2005) allows any public agency in Iowa, including municipalities, counties, and county conservation boards to enter into agreements with public or private agencies for joint or cooperative action with respect to any power, privilege, or authority exercised or capable of being exercised by the public agency; and

WHEREAS, the staffs of the Park and Recreation Department, Polk County, and the PCCB have negotiated a 28E Agreement as described above; and

WHEREAS, the 28E Agreement has been approved by the PCCB on January 10, 2007 and by Polk County Board of Supervisors on January 16, 2007, and is on the February 5, 2007 agenda for the City of Johnston City Council; and

WHEREAS, it is in the best interests of the City of Des Moines to enter into said 28E Agreement to capitalize on shared costs and improved recreational opportunities for the citizens of Des Moines.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Trestle-to-Trestle Multi-Use Recreational Trail Construction and Maintenance Chapter 28E Agreement Between Polk County, the City of Johnston, the City of Des Moines and the Polk County Conservation Board, which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to sign said 28E Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to said signature.

(Council Communication No. 07-043)

Moved by \_\_\_\_\_ to approve.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

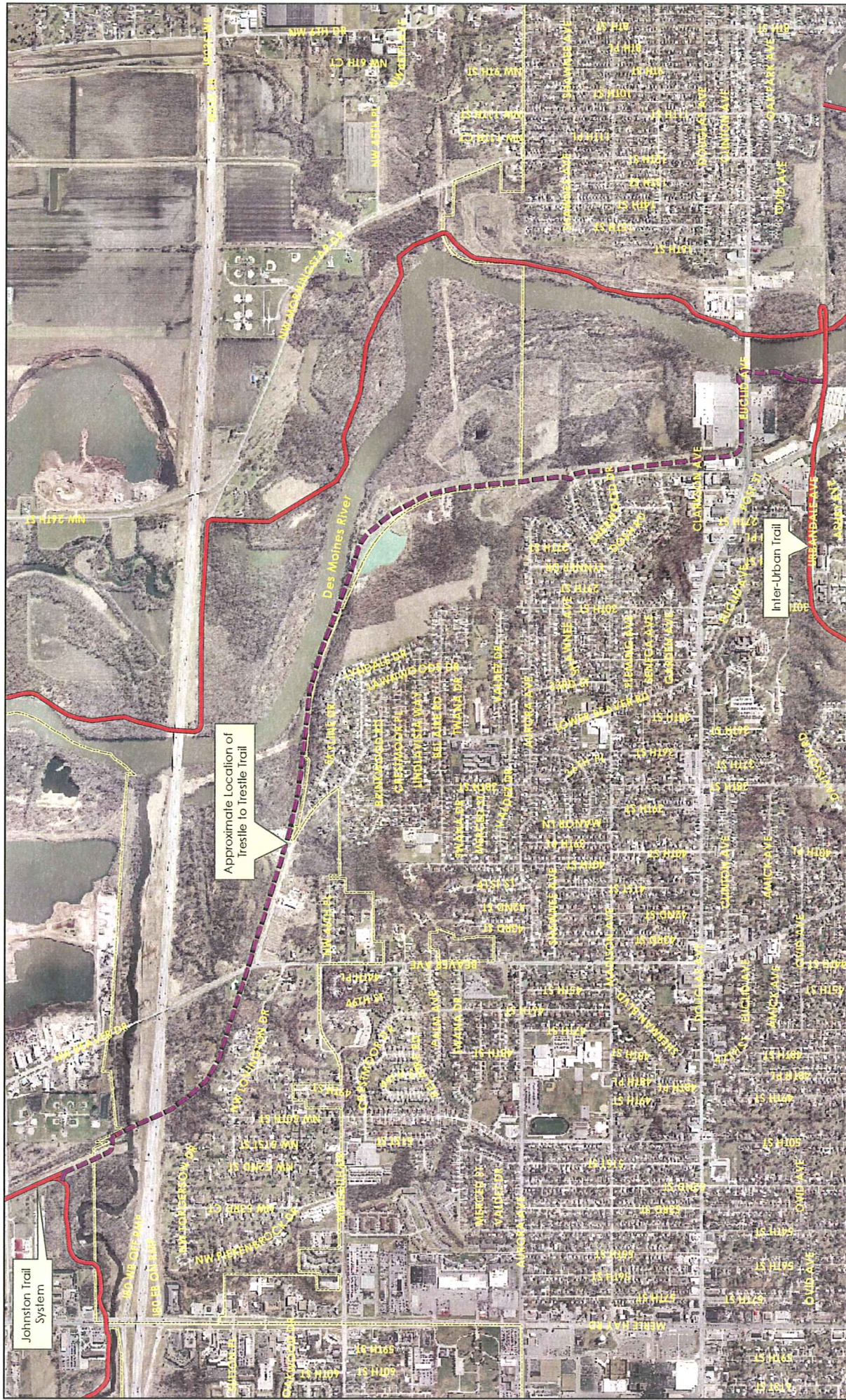
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





# Trestle to Trestle Trail



Attachment "E"

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