

Date February 7, 2007

AUTHORIZING REQUEST TO IDOT TO TERMINATE IDOT AGREEMENT FOR FLEUR UNDERPASS PROJECT AND REALLOCATION OF FUNDING AND AUTHORIZING NEGOTIATION AND EXECUTION OF TERMINATION AGREEMENT OF 28E AGREEMENT WITH WATER WORKS FOR SAME PROJECT

WHEREAS, on June 20, 2005, under Roll Call 05-1577, the City Council approved and authorized the execution of an agreement between the City of Des Moines and the Iowa Department of Transportation for the Fleur Trail Connector and a Chapter 28E agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines for Construction and Funding of the Fleur Trail Underpass Project; and

WHEREAS, the Fleur Trail Connector was awarded Surface Transportation Program Transportation Enhancement funds not to exceed \$573,090 with Iowa Department of Transportation Agreement 05-STPES-147; and

WHEREAS, on December 5, 2005, under Roll Call 05-2421, the City Council rejected all bids because the low bid of \$1,032,017.20 exceeded the project budget and Des Moines Water Works was unable to obtain sufficient donations to fund the local share of the project; and

WHEREAS, the Des Moines Water Works have requested termination of the Chapter 28E agreement for Construction and Funding of the Fleur Trail Underpass Project and reallocation of up to \$227,500 of the Surface Transportation Program Transportation Enhancement funds to the Fleur Drive Beautification project; and

WHEREAS, the Fleur Drive Beautification project will be managed and funded by the Des Moines Water Works; and

WHEREAS, reallocation of Surface Transportation Program Transportation Enhancement funds requires consideration and approval by the Iowa Department of Transportation Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the City Manager is directed to prepare and the Mayor is authorized to sign a request to the Iowa Department of Transportation to terminate the Fleur Trail Connector Agreement and to request reallocation of \$227,500 of the Surface Transportation Program Transportation Enhancement funds from the Fleur Trail Underpass Project to the Fleur Drive Beautification project.

★Roll Call Number

Agenda Item Number

3

Date February 7, 2007

2. That the City Manager is authorized to negotiate a Termination Agreement of the Chapter 28E Agreement between the City of Des Moines and the Board of Water Works Trustees of the City of Des Moines for Construction and Funding of the Fleur Trail Underpass Project and the Mayor and City Clerk are hereby authorized to execute and attest, respectively, said Termination Agreement, subject to approval as to form by the Legal Department.

MOVED BY _____ TO ADOPT.

(Council Communication No. 07- _____)

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

 Mayor

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.

 City Clerk