

.....  
Date June 4, 2007

APPROVING AND AUTHORIZING THE EXECUTION OF A REVISED  
IOWA DEPARTMENT OF TRANSPORTATION AGREEMENT TO  
REALLOCATE FUNDING FROM THE  
FLEUR TRAIL CONNECTOR PROJECT TO THE  
AMERICAN DISCOVERY TRAIL – SEGMENT 4 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, 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, on February 7, 2007, under Roll Call 07-178, the City Council authorized the City Manager 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 the construction and funding of the Fleur Trail Underpass Project; and

WHEREAS, on February 7, 2007, under Roll Call 07-178, the City Council authorized the Mayor to submit a request to the Iowa Department of Transportation to terminate the Fleur Trail Connector project and reallocate the project funding; and

WHEREAS, the Iowa Department of Transportation has proposed a revised Agreement No. 05-STPES-147 that would reallocate the funding from the Fleur Trail Connector project to the American Discovery Trail – Segment 4 project.

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

1. That Revised Agreement No. 05-STPES-147 between the City of Des Moines and the Iowa Department of Transportation for the American Discovery Trail – Segment 4, a copy of which is now on file in the office of the City Clerk, is hereby approved as to form and content.
2. That the Mayor and Chief Deputy City Clerk are hereby authorized and directed to execute and attest, respectively, said Agreement for and on behalf of the City of Des Moines, Iowa.

(Council Letter Number 07-323 attached)

★ **Roll Call Number**

**Agenda Item Number**

.....  
**Date** June 4, 2007

8

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: *Kathleen Vanderpool*  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source – Various funding being:

- \$573,090 Federal Surface Transportation Program – Transportation Enhancement Funds
- \$401,910 2007-08 CIP, Page Parks-22, Recreation Trails, PKS045, G.O.

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

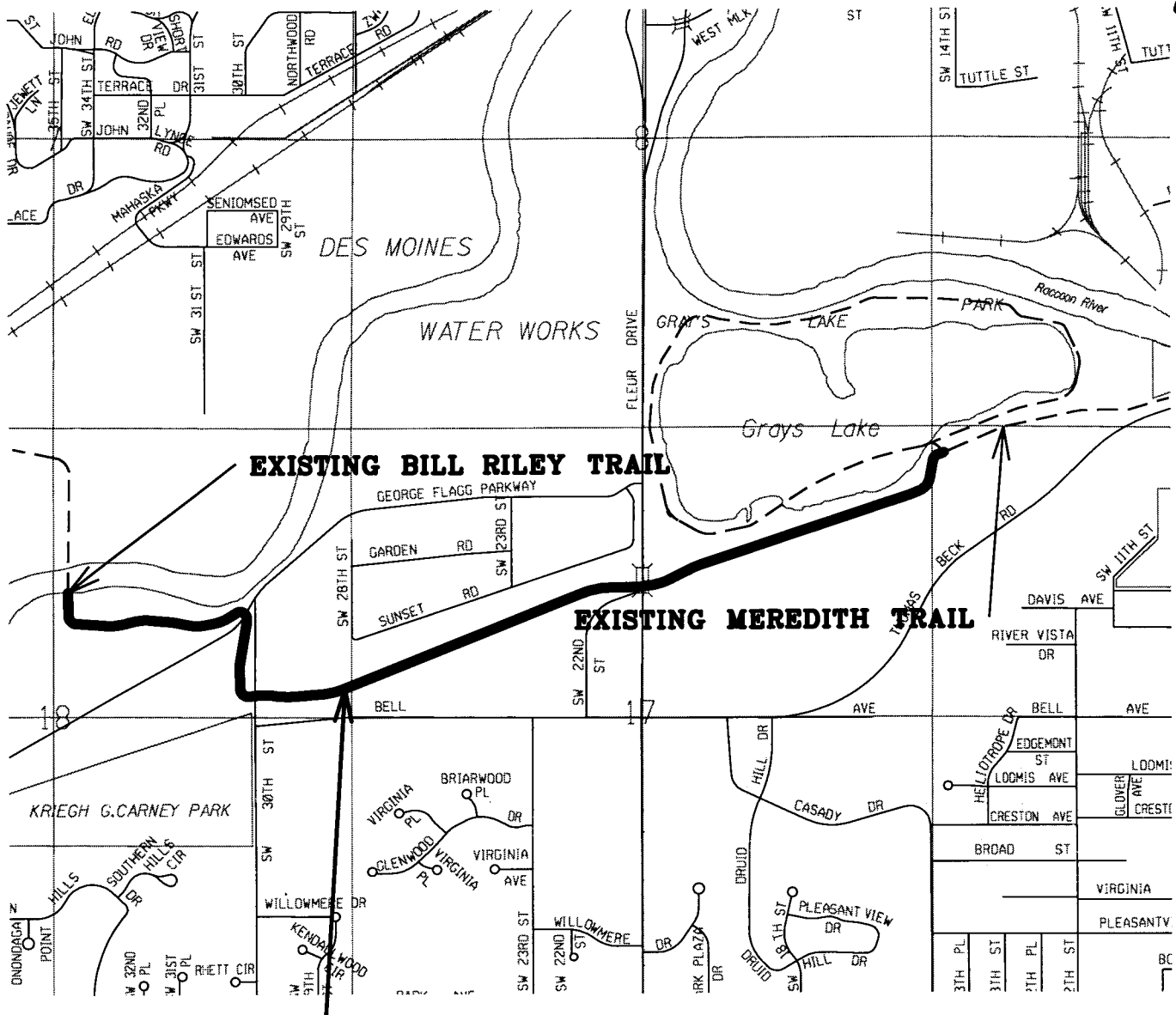
**CERTIFICATE**

I, JODY WITMER, Chief Deputy 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.

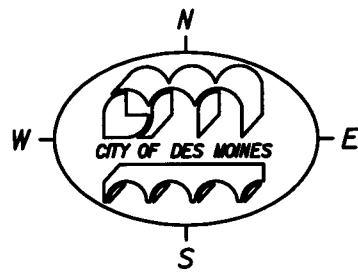
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Chief Deputy City Clerk



**PROJECT  
LOCATION**



**AMERICAN DISCOVERY TRAIL  
SEGMENT 4  
ACTIVITY I.D. 11-2007-015**