

Date June 8, 2009

APPROVING AND AUTHORIZING THE EXECUTION OF THE
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
NATURAL RESOURCES CONSERVATION SERVICE (NRCS) PROJECT AGREEMENT
FOR THE EMERGENCY WATERSHED PROTECTION PROGRAM AND
OPERATION AND MAINTENANCE AGREEMENT FOR
1235 DAVIS AVENUE (TRELEN J. WILSON AND LINDA L. BENDER, OWNERS)
WALL CONSTRUCTION

WHEREAS, on September 22, 2008 by Roll Call No. 08-1662, Council authorized and directed the City Manager to make application with the United States Department of Agriculture (USDA) for assistance under its Emergency Watershed Protection (EWP) Program for certain property owners in the City of Des Moines who experienced issues with land sliding on their property resulting from the flooding and rain conditions of 2008; and

WHEREAS, said application was made and funding pursuant to the USDA's EWP Program is available for construction of slope stabilization on the property located at 1235 Davis Avenue, Des Moines, Iowa owned by Trelen J. Wilson and Linda L. Bender; and

WHEREAS, on February 23, 2008, by Roll Call No. 09-280, Council authorized and directed the Mayor to execute the agreement between the City and Trelen J. Wilson and Linda L. Bender regarding the City's sponsorship to obtain financial assistance through the EWP Program with the USDA Natural Resource Conservation Service for the property; and

WHEREAS, the City's Legal Department and the Real Estate Division of the Engineering Department is negotiating the necessary easements for this project; and

WHEREAS, the USDA-NRCS has approved use of the EWP funds for repairs for 1235 Davis Avenue and the total estimated cost of the project is \$157,067.00, of which the EWP Program will fund 75% of the project cost with 25% local share paid per agreement with the property owners; and

WHEREAS, the USDA-NRCS has forwarded the Cooperative Project Agreement (Locally Led Contracting) and attachments thereto, and the Operation and Maintenance Agreement and Plan, both agreements being on file in the office of the City Clerk, for the 1235 Davis Avenue project to the City for approval prior to funding of the project; and

WHEREAS, due to funding requirements, the USDA-NRCS has required an initial project completion date of June 22, 2009, and has recommended that the City submit a written request for an extension of said project completion date along with the Council-approved EWP program agreements.


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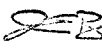
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

That the Cooperative Project Agreement (Locally Led Contracting) between the City of Des Moines and the USDA-NRCS for the EWP Program and the Operation and Maintenance Agreement and Plan for 1235 Davis Avenue Wall Construction be hereby approved subject to approval by the USDA-NRCS, and the Mayor is authorized and directed to sign such agreements, and the City Clerk is directed to attest to the Mayor's signature and return two original copies of the agreements to the Engineering Department for transmittal to the USDA-NRCS.

(Council Communication No. 09-359)
Activity ID 04-2009-017

APPROVED AS TO FORM:


Kathleen Vanderpool
Deputy City Attorney

 Funding Source: \$117,800 being 75% of estimated project cost (maximum \$117,800) in Federal USDA-NRCS EWP funds; additional 25% local patch paid per agreement with the property owners

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

MOTION CARRIED

APPROVED

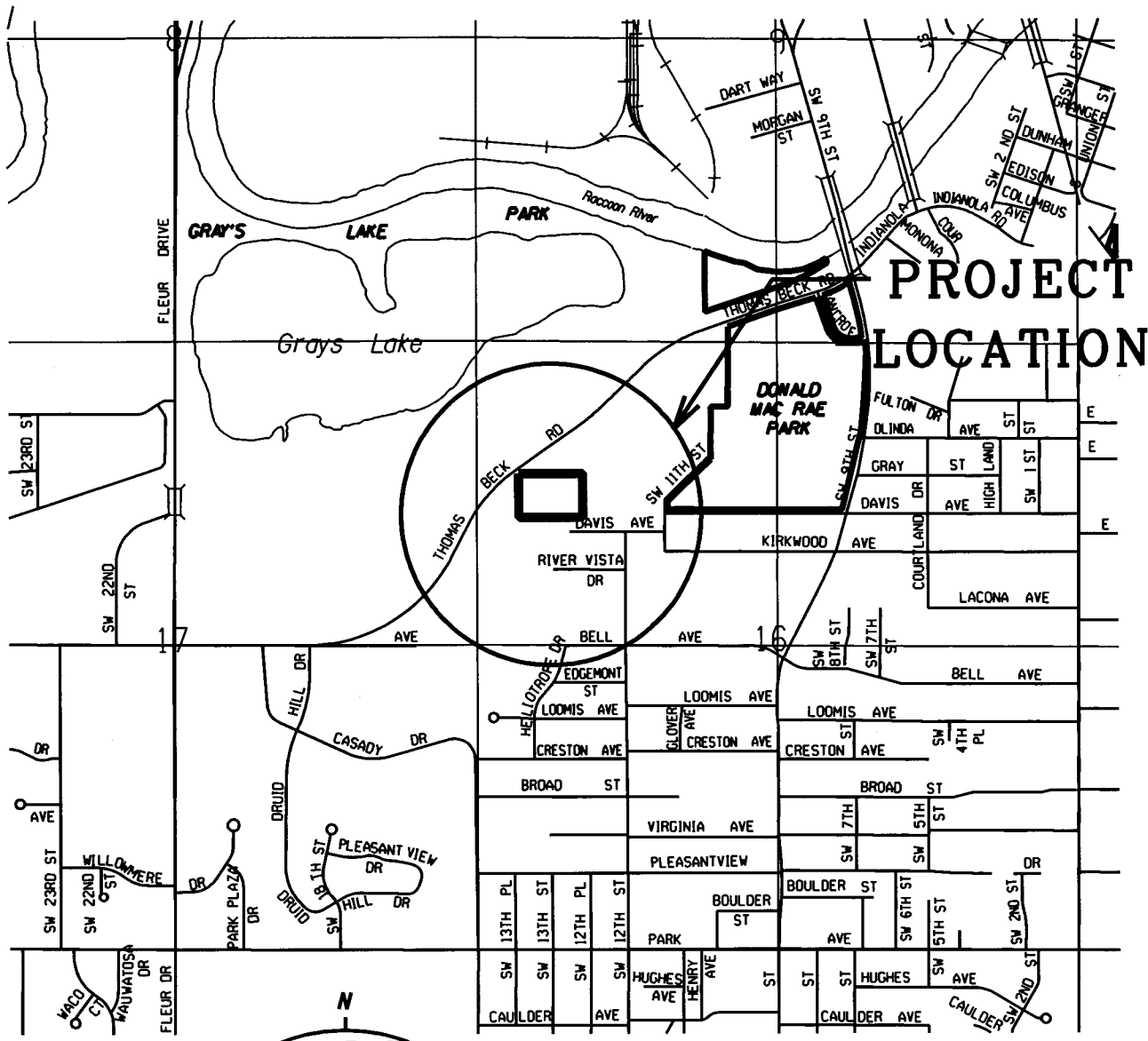
CERTIFICATE

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.

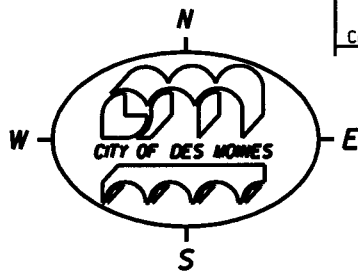
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk



**PROJECT
LOCATION**



**1235 DAVIS AVENUE
CITY OF DES MOINES SPONSORSHIP
WITH USDA - NRCS FOR THE
EWP PROGRAM
ACTIVITY ID 04-2009-017**

file-date