

Date July 23, 2007

RESOLUTION APPROVING PROGRAMMATIC AGREEMENT
WITH THE IOWA STATE HISTORIC PRESERVATION OFFICE
FOR A PORTION OF THE RIVERPOINT WEST AREA

WHEREAS, on July 9, 2007, by Roll Call No. 07-1341, the City approved an Urban Renewal Development Agreement with River Point West LLC whereby the City agreed to use the proceeds of certain federal loans and grants to make a loan for the benefit of River Point West LLC (the "Developer"), for the purpose of financing the Developer's acquisition and clearance of properties for sale and subsequent redevelopment, and the construction of supporting public infrastructure improvements to serve the developed properties, all within a portion of the Riverpoint West Area located south of Martin Luther King Jr. Parkway between SW 9th and SW 14th Streets; and,

WHEREAS, the use of federal funds requires that the City take into account the effect of the proposed redevelopment project on historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended; and,

WHEREAS, the City is required to consult with the State Historic Society of Iowa and the Advisory Council on Historic Preservation and inform Native American Tribes of the project and potential archaeological finds; and,

WHEREAS, a Programmatic Agreement has been developed to address and define the City's responsibilities for archaeological sampling and potential monitoring of excavation activities; and,

WHEREAS, implementation of the steps identified and defined in the Programmatic Agreement will ensure that the City has fulfilled its responsibilities under the regulations contained in the Section 106 process; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby makes the following findings regarding the Riverpoint West Area:
 - (a) There have been no material changes to the Riverpoint West Area since the 2002 Environmental Review Record was prepared for the Area in preparation for the use of federal funds for the construction of the detention basins north of the Raccoon River.
 - (b) The 2002 Environmental Review Record remains valid and effective, subject to compliance with the Section 106 Program requirements regarding archaeological sampling prior to any excavation activities, and the potential monitoring of such excavation activities.

(continued)

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2. The Programmatic Agreement, a copy of which is on file and available for public inspection in the office of the City Clerk, be and the same is hereby approved as to form and content.
3. The Mayor and City Clerk hereby authorized and directed to execute the Programmatic Agreement on behalf of the City, with such changes as may be required by the State Historic Society of Iowa and approved by the City Manager and Legal Department as minor and not detrimental to the City.
4. Upon execution of the Agreement, the City Manager is directed to work with the Developer to implement the steps included in the Agreement to fulfill the City's obligations under Section 106 of the National Historic Preservation Act of 1966, as amended.

(Council Communication No. 07-460)

MOVED by _____ to adopt.

Form Approved:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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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