

**Date**.....~~November 23, 2009~~

**APPROVAL OF PHASE III (CURB RAMPS) OF THE ADA TRANSITION PLAN**

WHEREAS, the Park and Recreation Department has been charged with providing staff support for the City's Access Advisory Board; and

WHEREAS, the Americans with Disabilities Act (ADA) of 1990 established regulations administered by the United States Departments of Justice and Transportation and federal courts that require local governments to develop an Americans with Disabilities Transition Plan; and

WHEREAS, on December 16, 2002, by Roll Call No. 02-1704, the City Council of the City of Des Moines awarded a Professional Services contract to RDG Bussard Dikis, William Dikis, Partner, 301 Grand Avenue, Des Moines, Iowa, 50309-1718 for the an assessment of City facilities and spaces to aid in the development of an ADA Transition Plan; and

WHEREAS, on February 23, 2004, by Roll Call No. 04-393, the City Council approved Phase I of the City's ADA Transition Plan which prioritized the first fourteen City facilities and spaces to be made compliant; and

WHEREAS, on July 26, 2004, by Roll Call No. 04-1584, the City Council approved Phase II of the City's ADA Transition Plan which prioritized the remaining City facilities and spaces to be made compliant; and

WHEREAS, the ADA requires that a Transition Plan include a schedule for curb ramps giving priority to walkways serving specified facilities; and

WHEREAS, City Engineering and Public Works Departments staff have inventoried and evaluated the thousands of curb ramps in the City during the course of the last several years, have completed such assessment, and have reported their findings to the Park and Recreation Department and to the Access Advisory Board; and

WHEREAS, the Access Advisory Board at its meeting of October 21, 2009, approved a plan which prioritizes curb ramp installation or replacement in compliance with the ADA priorities, and coordinates the repair and replacement of City sidewalks and curb ramps with the various City Departments involved in sidewalk construction and reconstruction activities, which is attached hereto as Exhibit A; and

WHEREAS, the Access advisory Board recommends acceptance of the Phase III Curb Ramps portion of the City of Des Moines ADA Transition Plan.

★ **Roll Call Number**

**Agenda Item Number**

41

Date November 23, 2009

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that Phase III of the ADA Transition Plan be and is hereby received and approved by the City Council and that City staff be authorized to bring into compliance the non-compliant elements identified by the City staff report in conformance with the priorities established in the City's ADA Transition Plan as funding is available.

(Council Communication No. 09-812)

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

.....  
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