

May 23, 2011

Date

APPROVAL OF AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE BLANK PARK ZOO FOUNDATION, INC FOR CONSTRUCTION AND FUNDING OF THE A. H. BLANK PARK ZOO ENTRANCE PROJECTS

WHEREAS, the A. H. Blank Park Zoo Foundation ("BPZF") has proposed a new entrance to the Zoo via the former (vacated) A. H. Blank Park, with improvements including a new roadway, a new Hoofstock Exhibit in the former park, which will be free to the public, and an enhanced safety barrier between the existing Fifth Judicial District Community Based Corrections facility and the A. H. Blank Park Zoo ("Zoo Entrance Improvements"); and

WHEREAS, on August 23, 2010 by Roll Call No. 10-1384, the City Council endorsed the Zoo Entrance Improvements and approved an application for an Iowa Department of Transportation Revitalize Iowa's Sound Economy Program ("RISE") grant; and

WHEREAS, the City of Des Moines has received a RISE grant in the amount of 50% of the eligible costs of the roadway portion of the Zoo Entrance Improvements ("Roadway Project"), and the Iowa Department of Transportation (IDOT) and the CITY are prepared to enter into an Agreement for such RISE Program grant ("IDOT Agreement"); and

WHEREAS, the State of Iowa, through the Department of Corrections ("IDOC"), has appropriated Rebuild Iowa Infrastructure Fund ("RIIF") funds of up to \$1,000,000 for use by the City of Des Moines for construction of a safety barrier between the existing Fifth Judicial District Community Based Corrections facility and the Zoo ("Safety Barrier Project"), which is part of the Zoo Entrance Improvements, and the City and IDOC are prepared to enter into an agreement for the funding and construction of the Safety Barrier ("IDOC Agreement"); and

WHEREAS, the BPZF will fund and construct a free Hoofstock Exhibit, and associated improvements, including holding area, fencing, and new animals and reworking the Zoo's main parking lot on the former A. H. Blank Park, and parking lot per the 2011 Lease and Management, Operation, Management and Maintenance Agreement commencing n May 1, 2011 for the operation and management of the A. H. Blank Park Zoo and A. H. Blank Park approved by the City Council on April 25, 2011 by Roll Call No. 11-0712; and

WHEREAS, pursuant to the IDOT Agreement the CITY is to act as lead organization in contracting for construction of the Roadway Project; and

WHEREAS, the CITY's construction contract for the Roadway and Safety Barrier Projects will also include the shelter with restrooms and playground and entrance archway improvements, which will be paid for by the BPZF; and

WHEREAS, the CITY shall acknowledge the Project improvements upon completion by resolution of the City Council of the CITY; and

WHEREAS, the IDOT agreement requires that the land for the newly constructed entrance roadway shall be dedicated for public use; and

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WHEREAS, the BPZF and City staff have negotiated an agreement, a copy of which is on file in the City Clerk's Office, which provides that the BPZF will provide construction phase services for the Projects, that BPZF will be responsible for the costs of the projects not covered by RISE and IDOC grant funds, and BPZF will be responsible for performance and compliance with certain IDOT Agreement and DOC Agreement requirements.

NOW, THEREFORE, BE IT RESOVED by the City Council of the City of Des Moines, Iowa, that the above described Agreement Between the City of Des Moines and The Blank Park Zoo Foundation, Inc. For Construction and Funding of the A. H. Blank Park Zoo Entrance and A. H. Blank Park Projects, on file in the City Clerk's Office, is hereby approved and the Mayor is hereby authorized and directed to sign the on behalf of the City and the City Clerk is directed to attest to his signature.

(Council Communication No. 11- 328)

Moved by _____ to adopt.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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