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Date February 5, 2018

**APPROVING AND AUTHORIZING EXECUTION OF CHAPTER 28E AGREEMENT
BY AND BETWEEN THE CITY OF DES MOINES AND THE DES MOINES
METROPOLITAN WASTEWATER RECLAMATION AUTHORITY, PROVIDING
FOR THE STORM SEWER AND SEWER SEPARATION IMPROVEMENTS FOR THE
WRA EASTSIDE INTERCEPTOR, PHASE 27, SEGMENT 5**

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority (hereafter “WRA”) plans to construct the WRA Eastside Interceptor, Phase 27, Segment 5 Project (“Eastside Interceptor Project”), which shall run along portions of the rights-of-way of E. Jefferson Avenue and York Street; and

WHEREAS, as part of the Long Term Control Plan developed to eliminate combined sewer overflows, the City of Des Moines (hereafter “City”) planned, as part of a public improvement project titled Lower Oak and Highland Park Sewer Separation Project, to construct storm sewer improvements along E. 12th Street, Mattern Avenue, E. 13th Street, and Jefferson Avenue necessary to remove storm intakes along Jefferson Avenue at E. 12th Street, E. 13th Street, and York Street from the combined sewer system (hereafter “Jefferson Project”); and

WHEREAS, due to the proximity of the WRA’s construction of the Eastside Interceptor Project to the City’s Jefferson Project, it is of mutual benefit to have the WRA complete the design and construction for the Jefferson Project during the course of the WRA’s Eastside Interceptor Project; and

WHEREAS, Des Moines and the WRA have negotiated the terms of this Chapter 28E Agreement for the Storm Sewer and Sewer Separation Improvements for the WRA Eastside Interceptor, Phase 27, Segment 5, a copy of which is now on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
Des Moines, Iowa:**

1. That the Chapter 28E Agreement for the Storm Sewer and Sewer Separation Improvements for the WRA Eastside Interceptor, Phase 27, Segment 5, a copy of which is now on file in the office of the City Clerk, be and the same is hereby approved as to form and content.
2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, said Chapter 28E Agreement for and on behalf of the City of Des Moines, Iowa.
3. That the City Clerk be and is hereby authorized and directed to record said Chapter 28E Agreement with the Iowa Secretary of State's Office and with the Polk County Recorder's Office.

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4. That the City Manager and City Engineer are hereby authorized to administer and make payments in accordance with said Chapter 28E agreement.

(Council Communication 18- 055)

Moved by _____ adopt.

APPROVED AS TO FORM


Lisa A. Wieland
Assistant City Attorney

Funding Source: 2017-18 CIP Page Sanitary – 9, Lower Oak Park and Highland Park Sewer Separation, SS133, Sanitary Sewer Funds and Storm Water Utility Funds