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**Date** April 23, 2018.....

APPROVAL OF 28E AGREEMENT FOR CONSRUCTION AND FUNDING OF  
FLEUR DRIVE UNDERPASS BETWEEN DES MOINES WATER WORKS, DES MOINES  
WATER WORKS PARK FOUNDATION AND CITY OF DES MOINES

WHEREAS, Gray's Lake Park is owned by the City and Water Works Park is under the management, control, and operation of the Board of Trustees of the City of Des Moines ("Water Works"); and

WHEREAS, the City, Water Works and the Des Moines Water Works Parks Foundation ("Foundation") desire to undertake the design and construction of an underpass and adjacent entrance areas under Fleur Drive, including the underpass façade in Gray's Lake Park and to provide for a connection between the Kruidenier Trail and the underpass at Gray's Lake Park ("the Underpass Project"); and

WHEREAS, the Underpass Project has an estimated cost of \$3,5000,000 for design and construction and the Foundation desires to raise funds for and to pay all costs associated with the Underpass Project and to provide the City with \$100,000 annually for 3 years for maintenance costs of the Underpass; and

WHEREAS, the City will be responsible for the final design, construction and maintenance of the Underpass and shall own the Project improvements; and

WHEREAS, the City, Water Works, and the Foundation agree that it is of mutual benefit to the citizens of Des Moines that such Underpass Project be constructed; and

WHEREAS, upon acceptance of the Underpass Project improvements, and subject to City Council approval and the City's Policy for Naming of Streets, Facilities and Park Land, the Underpass shall be designated "The Ruan Connector" Policy for Naming of Streets, Facilities and Park Land in the City of Des Moines,.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the 28E Agreement Between the City of Des Moines and the Board of the Water Works Trustees of the City of Des Moines, Iowa and Des Moines Water Works Park Foundation for Construction and Funding of the Fleur Drive Trail Underpass Project, as described above, a copy of which is available in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to execute said agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.



Roll Call Number

Agenda Item Number

54

Date April 23, 2018

(Council Communication No. 18 - 196 )

Moved By \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk