

Date August 5, 2019

APPROVING SW 9TH AND BELL AVENUE PLAZA MAINTENANCE AND REPAIR AGREEMENT WITH FRIENDS OF SW 9TH

WHEREAS, the City collaborated with Friends of SW 9th (“Friends”), an Iowa non-profit corporation, for the planning, design, and construction of the public plaza located at the intersection of SW 9th Street and Bell Avenue Plaza (herein “Plaza”), to be used for the benefit of the citizens of the City of Des Moines to welcome residents and visitors on a year round basis and to enhance the neighborhood for public enjoyment; and

WHEREAS, on October 9, 2017, by Roll Call No. 17-1753, the City Council approved the conceptual design for the Plaza, as prepared by Friends with assistance from Genus Landscape Architects, and directed the City Manager to draft a maintenance agreement between the City and Friends for the long-term maintenance needs of the Plaza; and

WHEREAS, the City has completed construction of the Plaza, and Friends intends to assume responsibility for the maintenance and future repair of the Plaza, which funding will be provided by the SW 9th Street Self-Supported Municipal Improvement District (SSMID) operated by Friends; and

WHEREAS, City staff and Friends have negotiated a Plaza Maintenance and Repair Agreement, on file in the office of the City Clerk and approved by Friends, which agreement provides, among other terms, that Friends shall be responsible for keeping the Plaza in good order and in a safe and attractive condition; for repair and maintenance of the Plaza to at least the standard provided by the City Park and Recreation Department of similar public plazas, including all major capital repairs; to provide notice to the City of repairs; to provide annual inspections of the Plaza, security measures and snow removal; and that Friends may install and maintain artwork in the Plaza subject to review by the Des Moines Public Arts Foundation and other applicable requirements.

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

1. The SW 9th and Bell Avenue Plaza Maintenance and Repair Agreement by and between the City of Des Moines, Iowa and Friends of SW 9th is hereby approved, and the Mayor and City Clerk are directed to execute and attest, respectively, said Agreement on behalf of the City.
2. The Community Development Department Director and the City Engineer, and their designees, are directed to administer and monitor the terms of the Agreement and compliance by Friends of SW 9th therewith.

★ Roll Call Number

Agenda Item Number

41

Date August 5, 2019

(Council Communication No. 19- 343)

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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