



Date August 19, 2019

APPROVAL OF AGREEMENT FOR TERMINATION OF PREVIOUSLY EXECUTED AGREEMENT FOR COOPERATIVE PUBLIC SERVICE BETWEEN POLK COUNTY AND CITY OF DES MOINES REGARDING SKATEBOARD PARK

WHEREAS, on March 26, 2018, by Roll Call No. 18-0528, the City Council approved the Agreement for Cooperative Service in which Polk County is responsible for the design and construction of a downtown regional skateboard park on a portion of City property north of the Rotary Riverwalk Park (“Agreement”), with the agreement providing that the cost of the improvements are estimated to be in the amount of at least \$3,500,000, to be paid for by private fund raising efforts (the “Skate Park”); and

WHEREAS, on March 20, 2018, by Resolution No.43-18, Polk County approved such Agreement for Cooperative Service; and

WHEREAS, pursuant to the Agreement, the City recorded a Quit Claim Deed granting to Polk County approximately 5.79 acres of City property on which the Skate Park is to be constructed (“the Property”), with the condition under the terms of the Agreement that such Property would be granted back to the City upon completion of the project and acceptance by the City Council of the Skate Park improvements; and

WHEREAS, the Agreement provides that the City will own and operate the Skate Park upon its completion and acceptance by the City Council; and

WHEREAS, the City and Polk County now desire that Polk County will continue to design, fund, and construct the Skate Park and will own, manage, operate, and maintain the Skate Park and the Property as a Polk County owned park and desire to terminate the Agreement regarding the City’s ownership of the Skate Park improvements and the Property; and

WHEREAS, City staff and Polk County staff have negotiated a proposed Agreement for Termination of Previously Executed Agreement for Cooperative Service Between Polk County and the City of Des Moines, a copy of which is on file in the City Clerk’s Office; and

WHEREAS, such Agreement for Termination provides that the City will receive an easement for a bike and pedestrian recreational trail upon the Property and that the City will convey a \$300,00 grant to Polk County for the design and construction of a rest room, subject to approval of an appropriate amendment to the Metro center urban renewal plan incorporating the rest room improvements as part of the urban renewal project.



Roll Call Number

Agenda Item Number

47

Date August 19, 2019

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Agreement for Termination of Previously Executed Agreement for Cooperative Service Between Polk County and the City of Des Moines, Iowa, a copy of which is available in the City Clerk's Office, as described above, is hereby approved and the Mayor is authorized and directed to sign said Agreement for Termination, on behalf of the City and the City Clerk is authorized and directed to attest to his signature.

(Council Communication No. 19 - 378)

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, 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