



Roll Call Number

Agenda Item Number

8A

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Date January 24, 2022

APPROVING SUPPLEMENTAL AGREEMENT NO. 3 TO LEASE CONTRACT NO. DACW25-1-93-4040 WITH THE DEPARTMENT OF THE ARMY – U.S. ARMY CORPS OF ENGINEERS (USACE)

WHEREAS, the Secretary of the Army on behalf of the United States (hereinafter “USA”) previously granted a lease to the City of Des Moines (hereinafter “City”), for public park and recreational purposes, designated as Lease Contract No. DACW25-1-93- 4040 (hereinafter referred to as the “Original Lease”), expiring on April 14, 2036, for approximately 262.30 acres, more or less, of land and water areas under the primary jurisdiction of the Department of the Army; and,

WHEREAS, on November 6, 2008, the Secretary granted Supplemental Agreement No. 1, expanding the lease area by approximately 20.30 acres, more or less, to coincide with current management efforts on the land by the Lessee as described in Supplemental Agreement No. 1; update Conditions 2, 4, and 17; and add Conditions 19 and 20(a-b); and,

WHEREAS, on October 26, 2021 the Secretary granted Supplemental Agreement No. 2, which amended Condition No. 2 of the Original Lease to allow construction of various improvements including ADA compliant trails to fishing and park access, trail extensions, addition of lights and landscaping, and updated water vessel launch areas, among other things as described in Supplemental Agreement No. 2; and,

WHEREAS, under Condition No. 2 of the Original Lease, as amended, the Lessee requests to amend the Original Lease to realign and widen the Neal Smith Trail from eight feet to ten feet to provide adequate shoulders and meet Iowa Statewide Urban Design and Specification Design Standards to improve safety.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That Supplemental Agreement No. 3 between the City and USA, for trail widening and realignment for the Neal Smith Trail Rehabilitation Project, a copy of which is on file in the office of the City Clerk, is hereby approved as to form and content.

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said Supplemental Agreement No. 3 for and on behalf of the City.

(Council Letter Number 22-028 attached)
Activity ID 11-2019-009

Moved by _____ to adopt.



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FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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