

★ Roll Call Number

09-869

Agenda Item Number

50

Date May 18, 2009

APPROVAL OF A SECOND AMENDMENT TO THE 28E AGREEMENT BETWEEN KIWANIS RIVERVIEW NATURE ISLAND, INC. AND THE CITY OF DES MOINES

WHEREAS, the City of Des Moines is the owner of Kiwanis Riverview Nature Island, also known as Riverview Park, and the residence in McHenry Park at 1012 Oak Park Avenue, adjoining Kiwanis Riverview Nature Island; and

WHEREAS, on August 3, 1992, by Roll Call No. 92-3035, the City and the Kiwanis Riverview Nature Island, Inc. ("KNI") entered into a 28E Agreement for the purpose of furthering the development, maintenance, and management of Riverview Park; and

WHEREAS, on June 4, 2003, by Roll Call No. 03-1241, the City Council approved a new 28E Agreement with KNI for the maintenance of the Kiwanis Riverview Nature Island and to allow use and control of the house, garage, and storage shed at 1012 Oak Park Avenue by KNI, Inc. for a term of three years ("the 28E Agreement"); and

WHEREAS, on May 22, 2006, by Roll Call 06-1020, the City Council approved an extension of the term of the 28E Agreement for an additional three year term; and

WHEREAS, the City Park and Recreation Department and KNI desire to extend the 28E Agreement for an additional eighteen months in order to provide sufficient time for development of a plan for the Island and to review the responsibilities and duties for planning, designing, developing, and maintaining and improving the various facilities at Kiwanis Riverview Nature Island; and

WHEREAS, the City Council determines that it is in the best interests of the City to extend the term of the 28E Agreement for an additional eighteen months.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Second Amendment to the Kiwanis Riverview Nature Island 28E Agreement between the City of Des Moines and Kiwanis Nature Island, Inc., a copy of which is on file with the City Clerk's Office, is hereby approved and the Mayor Pro Tem is authorized and directed to sign said Second Amendment on behalf of the City and the Chief Deputy City Clerk is hereby authorized and directed to attest to his signature.

(Council Communication No. 09- 307 )

APPROVED AS TO FORM:

Moved by Kiernan to adopt.

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

T. M. Franklin 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.

Diane Rauh City Clerk