

★ Roll Call Number

Agenda Item Number

15-0660

22

Date April 20, 2015

APPROVING A CHAPTER 28E AGREEMENT BY AND BETWEEN THE CITY OF DES MOINES, IOWA AND THE POLK COUNTY CONSERVATION BOARD FOR THE GREAT WESTERN RECREATIONAL TRAIL CONSTRUCTION AND MAINTENANCE

WHEREAS, the Polk County Conservation Board (PCCB) wishes to construct an extension of the Polk County owned Great Western Trail from its current terminus near George Flagg Parkway to the City owned Bill Riley Trail; and

WHEREAS, the trail extension is located in the area of the proposed Southwest Connector right-of-way and a portion of the property needed to construct the trail extension is located on property owned by the City of Des Moines; and

WHEREAS, the PCCB desires to pay for, design and manage construction of the trail connection and to maintain the trail once completed; and

WHEREAS, upon completion of the trail, the City will own the portion of the trail extension that is constructed on City property; and

WHEREAS, Chapter 28E of the Iowa Code (2015) allows any public agency in Iowa, including municipalities, counties, and county conservation boards, to enter into agreements with public or private agencies for joint or cooperative action with respect to any power, privilege, or authority exercised or capable of being exercised by the public agency; and

WHEREAS, the staffs of the Park and Recreation Department and the PCCB have negotiated a 28E Agreement as described above, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the proposed trail will be removed and the 28E Agreement terminated at the time that the Southwest Connector roadway project proceeds to construction; and

WHEREAS, it is in the best interests of the City of Des Moines to enter into said 28E Agreement to provide improved recreational opportunities for the citizens of Des Moines.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Great Western Trail Extension Recreational Trail Construction and Maintenance Chapter 28E Agreement between the City of Des Moines and the Polk County Conservation Board, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to sign said 28E Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to said signature.

(Council Communication No. 15-202)

Moved by Hensley to Approve.

Approved as to Form:

Ann DiDonato

Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				

APPROVED

T. M. Franklin Cownie  
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