

★ Roll Call Number  
16-0372

Agenda Item Number  
12

Date March 7, 2016

**APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH PLEASANT HILL FOR THE SOUTHEAST CONNECTOR AND PLEASANT HILL BOULEVARD AND VANDALIA ROAD INTERSECTION PROJECTS AND AUTHORIZING THE PAYMENT OF FUNDS FOR REIMBURSEMENT OF CERTAIN PROPERTY INTERESTS NEEDED FOR THE SOUTHEAST CONNECTOR**

WHEREAS, on December 7, 2015, by Roll Call 15-2038, the City Council of the City of Des Moines, Iowa, approved an Agreement with the City of Pleasant Hill for the coordination of funding, design, and corridor preservation for the Southeast Connector ("Agreement"); and

WHEREAS, the construction of the Pleasant Hill Boulevard and Vandalia Road Intersection project will proceed before the future construction of the Southeast Connector project between SE 30<sup>th</sup> Street and U.S. 65; and

WHEREAS, the City of Pleasant Hill will administer the design and construction of the Pleasant Hill Boulevard and Vandalia Road Intersection project; and

WHEREAS, On January 25, 2016, by Roll Call 16-0108, the City Council of the City of Des Moines, Iowa, authorized the MPO to transfer funds allocated to the Southeast Connector to the Pleasant Hill Boulevard and Vandalia Road Intersection project; and authorized the City Manager to negotiate an amendment to the Agreement with Pleasant Hill; and

WHEREAS, an amendment to the Agreement has been negotiated setting forth the responsibilities between Pleasant Hill and Des Moines for the terms and costs for the acquisition of the necessary property interests, including but not limited to:

- A. Pleasant Hill will acquire property for the Pleasant Hill Boulevard and Vandalia Road Intersection, which is contiguous to property necessary for the Southeast Connector and will be acquired as one acquisition. The City of Des Moines will provide certain right-of-way acquisition services to Pleasant Hill for acquisition of these property interests, and
- B. For the property interests that will be acquired and preserved solely for the future construction of the Southeast Connector project, the City of Des Moines agrees to reimburse Pleasant Hill for the actual land cost on a pro-rata basis.

**WHEREAS**, the first amendment to the Agreement is required to set forth the responsibilities between Pleasant Hill and Des Moines for the terms and costs for the acquisition of these property interests and to authorize the reimbursement to Pleasant Hill for the actual land cost on a pro-rata basis for the property interests acquired by Pleasant Hill solely for the Southeast Connector project.

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NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the First Amendment to the Agreement with Pleasant Hill for the Southeast Connector and Pleasant Hill Boulevard and Vandalia Road Intersection Projects is hereby approved, subject to approval as to form by the City Legal Department.
2. That the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, said First Amendment for and on behalf of the City of Des Moines, Iowa.
3. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the reimbursement as provided in said First Amendment to the Agreement, as certified by the Engineering Department.

(Council Communication No. 16- 115 )  
 Activity ID 14-2014-035

Moved by Gatto to adopt.

FORM APPROVED:

Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding Source: 2016-17 CIP, Southeast Connector – SE 30th to U.S. 65, Page Street-37, ST256, GO Bonds

*ACE*

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

**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.

T. M. Franklin  
 Mayor

Diane Rauh  
 City Clerk