



Roll Call Number

18-1985

Agenda Item Number

16

Date December 3, 2018

RESOLUTION APPROVING LOWER FOURMILE CREEK GREENWAY PROPERTY ACQUISITION AGREEMENT WITH POLK COUNTY CONSERVATION BOARD

WHEREAS, on November 6, 2017, by Roll Call No. 17-1901, the City Council approved the Lower Four Mile Creek Greenway master plan, covering the lower third of the Fourmile Creek Watershed and including portions of Des Moines, Pleasant Hill and unincorporated Polk County, as a first step in implementing the Fourmile Creek Watershed Management Plan; and

WHEREAS, the City of Des Moines and Polk County experienced unprecedented rainfall and flash flooding during the month of June 2018, creating a threat to the public health, safety, and welfare to City residents, and specifically Des Moines residents in the Lower Fourmile Creek Greenway master plan area confronted significant private property damage as a result of the storm and severe flooding; and

WHEREAS, on July 16, 2018, by Roll Call No. 18-1218, the City Council authorized the City Manager to develop and implement a limited administrative plan for acquisition of certain one-family and two-family residential flood-damaged properties, which project has been undertaken by the City's Real Estate Division as the 2018 Limited Voluntary Flood Damaged Property Buyout Project; and

WHEREAS, on or around August 8, 2018, the Polk County Conservation Board (PCCB) designated up to \$1,000,000 of funding and authorized its staff to negotiate an agreement with the City regarding acquisition of properties within the 500-year floodplain of the Lower Fourmile Creek Greenway for implementation of the Lower Fourmile Creek Greenway master plan including natural resource restoration, water quality improvements and passive recreational enhancements; and

WHEREAS, City and PCCB staff have negotiated the Lower Fourmile Creek Greenway Property Acquisition Agreement, on file in the office of the City Clerk, setting forth the terms of the funding and acquisition agreement between City and PCCB; and

WHEREAS, said Agreement includes, among other terms, City acquisition of certain identified real properties in the Lower Fourmile Creek Greenway master plan area both as part of the voluntary acquisition approved by Roll Call No. 18-1218 and other agreed-upon parcels in the area; City demolition of principal and accessory structures on said acquired properties including removal of paving, cutting of utilities and soil stabilization; payment by PCCB to City of up to \$1,000,000 in exchange and as consideration for the purchase of said acquired properties; City undertaking of the process for conveyance of said acquired properties to PCCB; and PCCB's use of the properties in compliance with the Lower Fourmile Creek Greenway master plan approved by Roll Call No. 17-1901 and any additional deed restrictions or covenants required by City.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Lower Fourmile Creek Greenway Property Acquisition Agreement with Polk County Conservation Board, as described above and as on file in the office of the City Clerk, is hereby approved; the Mayor is authorized and directed to execute said Agreement on behalf of the City and the City Clerk is directed to attest to his signature; the City Manager and his designee(s) are authorized and directed to administer said Agreement pursuant to its terms; and the City Manager is hereby authorized to approve and execute insubstantial amendments to the Agreement and to submit substantive amendments to the Agreement to City Council for consideration.

(Council Comm. No. 18-629)

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
BOESEN	✓			
WESTERGAARD	✓			
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