



Roll Call Number

19-1845

Agenda Item Number

41

Date November 18, 2019

APPROVAL OF CHAPTER 28E AGREEMENT WITH DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT REGARDING WEEKS MIDDLE SCHOOL PARK

WHEREAS, the Park and Recreation Department is charged with providing recreational opportunities and facilities throughout the City of Des Moines; and

WHEREAS, the 1995 Park and Recreation Comprehensive Master Plan, Parklands, recommends the construction of new parks in residential areas of the City that are not presently served by a park within approximately one-half mile of the center of a residential neighborhood and that schools be utilized for this need if campuses have at least five acres of suitable, undeveloped acreage or open space; and

WHEREAS, the City and the Des Moines Independent Community School District (School District) desire to provide open space and improvements for shared use for recreation, athletic and playground uses on the grounds of Weeks Middle School, owned by the School District and located at 901 E. Park Avenue; and

WHEREAS, Parks and Recreation Department and School District staff, in conjunction with Weeks Middle School staff and neighborhood residents, following a series of public meetings and meetings with Weeks Middle School's leadership, teachers and students, have established a mutually agreed to conceptual plan for improvements to be constructed at the site by the City at City cost comprised of a playground with play equipment, loop path with neighborhood connections, enhanced recreation fields, full basketball court, open-air shelter and storm water improvements consisting of installation of a storm water retention basin (School Park Improvements); and

WHEREAS, the School District will own the School Park Improvements, with the City responsible for inspection, repair and replacement of the improvements; and

WHEREAS, City and School District staff have negotiated a 28E Agreement for the construction and maintenance of such School Park Improvements, for a period from the date of approval until December 31, 2039, with an automatic 20-year renewal, subject to written notice not to renew, a copy of which is on file in the City Clerk's Office; and

WHEREAS, at its meeting on November 5, 2019, the Board of the Des Moines Independent Community School District approved such 28E Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the 28E Agreement By and Between City of Des Moines and Des Moines Independent Community School District Weeks Middle School, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized to sign said Agreement on behalf of the City and the City Clerk is authorized to attest to his signature.



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(Council Communication No. 19 - 486)

Moved by Boesen to approve.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk