



Roll Call Number

21-1487

Agenda Item Number

36

Date October 4, 2021

APPROVAL OF DEPARTMENT OF ARMY SUPPLEMENTAL AGREEMENT NO. 2 TO
LEASE FOR SAYLORVILLE LAKE PROJECT FOR IMPROVEMENTS TO PROSPECT
PARK

WHEREAS, the City of Des Moines has leased land from the Secretary of Army along the Des Moines River between 6th Avenue and Euclid Avenue for public park and recreational purposes; and

WHEREAS, on July 27, 1998, by Roll Call Number 98-2404, the original lease, Lease No. DACE25-1-93-4040 (“Lease”) was approved by the City Council; and

WHEREAS, on October 28, 2008, by Roll Call No. 08- 1855, Supplement Agreement No. 2 adding approximately 20.30 acres of federal land along the Neal Smith Trail between Euclid Avenue and Saylor Creek at the Des Moines City Limits was approved by the City Council; and

WHEREAS, the Secretary of the Army has drafted Supplemental Agreement No. 2 to Lease No. DACW25-1-93-4040 Saylorville Lake Project Des Moines River (“Supplemental Agreement No. 2”) which allows construction of improvements to Prospect Park as part of the Central Iowa Water Trails Project, which construction project is under the control of the Des Moines Area Metropolitan Planning Organization; and

WHEREAS, Supplemental Agreement No. 2 requires the City to comply with certain Site Specific Conditions for the construction of the improvements, including requirements regarding tree trimming and removal, removal or adding fill material, and notification of the Rock Island District Real Estate Division upon completion of the construction project; and

WHEREAS, the Site Specific Conditions are to be fulfilled by the Des Moines Area Metropolitan Planning Organization and Central Iowa Water Trails, LLC, in accordance with the terms included in the Agreement regarding the BUILD Grant approved by City Council on September 13, 2021 by Roll Call 21-1446.

WHEREAS, a copy of the proposed Supplemental Agreement No. 2 is on file in the City Clerk’s Office; and

WHEREAS, the City Council deems it advisable to approve Supplemental Agreement No. 2.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Supplemental Agreement No. 2 to Lease No. DACW25-1-93-4040 Saylorville Lake Project Des Moines River is hereby approved and the Mayor is authorized and directed to sign such Agreement on behalf of the City and the City Clerk is directed to attest to his signature.

BE IT FURTHER RESOLVED that the City's compliance with the Site Specific Condition 21 e regarding project completion is subject to the City Engineer's satisfactory inspection upon completion of the construction project.

(Council Communication No. 21- 407)

Moved by Gatto to approve.

Approved As To Form:

/s/ Ann DiDonato
Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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