

Agenda Item Number

Date April 10, 2023

APPROVAL OF DONATION AGREEMENT WITH DES MOINES PARKS AND RECREATION FOUNDATION FOR EVELYN K. DAVIS PARK BASKETBALL COURT IMPROVEMENTS PROJECT

WHEREAS, the City of Des Moines, acting through the Parks and Recreation Department, is charged with the responsibility of providing safe park spaces and amenities within the City of Des Moines, and is undertaking the Evelyn K. Davis Park Basketball Court Improvements project and related improvements at Evelyn K. Davis Park, 1400 Forest Avenue ("Project"); and

WHEREAS, on December 12, 2022, by Roll Call No. 22-1937, the City Council held a public hearing and accepted the lowest responsive, responsible bid from Gruss Construction, LLC for the construction of the Project; and

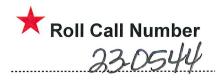
WHEREAS, in July 2021, the Des Moines Parks and Recreation Foundation d/b/a Friends of Des Moines Parks (the "Foundation") received grant funding in the amount of \$50,000.00 from the United Way of Central Iowa (UWCI) – United to Thrive Program to be used for the Project; and

WHEREAS, the Foundation desires and has offered to use said grant funding to purchase two shade structures, bleachers and landscaping improvements ("Improvements") required for the Project and donate said Improvements to the City for the benefit of the residents of Des Moines, which Improvements will be reviewed and selected jointly with the City Parks and Recreation Department and acquired solely by the Foundation, and the City desires to accept such donation and use the Improvements for the Project; and

WHEREAS, a Donation Agreement between the City of Des Moines and the Foundation, in form on file in the office of the City Clerk, provides for the Foundation to make such purchase and donation of the Improvements to the City for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

- 1. The Donation Agreement between Des Moines Parks & Recreation Foundation (d/b/a Friends of Des Moines Parks) and the City of Des Moines Regarding New Shade Structures and Other Site Improvements at Evelyn K. Davis Park, for the donation of the Improvements for the Evelyn K. Davis Park Basketball Court Improvements project, in form on file in the City Clerk's Office, is hereby approved, and the Mayor is authorized and directed to sign the Donation Agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.
- 2. The Parks and Recreation Department Director or designee is authorized and directed to administer and monitor the Agreement on behalf of the City, including acceptance, review and inspection of the donated Improvements and assignment of the vendor warranties for the Improvements in form approved by the Legal Department.



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(Council Communication No. 23-

Moved by <u>BOBSED</u> to adopt. Second by <u>VOSS</u>. Second by _____

APPROVED AS TO FORM:

/s/ Glenna K. Frank Glenna K. Frank Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	
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BOESEN	V				I,
GATTO	V				n C
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MOTION CARRIED				PPROVED	
1. M. Jankhin Ownie Mayor					
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CERTIFICATE

Laura Baumgartner, City Clerk of said City ereby certify that at a meeting of the City ouncil of said City of Des Moines, held on the bove date, among other proceedings the above as adopted.

N WITNESS WHEREOF, I have hereunto set my and and affixed my seal the day and year first bove written.

Kaura Baungatha

City Clerk