

ITEM #:	<u>12</u>
DATE:	<u>05-12-26</u>
DEPT:	<u>P&amp;R</u>

## COUNCIL ACTION FORM

**SUBJECT: MOORE MEMORIAL PARK AND FUTURE SHARED USE PATH EASEMENT**

### **BACKGROUND:**

In the City's Bicycle and Pedestrian Plan adopted by City Council in June 2024, it includes a shared use path from Moore Memorial Park, across loway Creek, and continuing along Scholl Road to Ontario Street. The first step for this path is to acquire easements on Iowa State University (ISU) property. Staff has been working with ISU staff on developing an easement agreement so a bridge can be installed over loway Creek and a future shared use path can be installed on ISU property. A map of the easements is included in the attached agreement.

The effective date of the agreement is July 1, 2026. A summary of the agreement is shown below:

**Paragraph 2 Use** - Defines the City shall use the easement area for the purpose of constructing, installing, using, maintaining, and repairing a bridge and a shared use path that is open to use by the public. Additionally, the City (Grantee) and ISU (Grantor) may use the easement area as a route for maintenance vehicles and/or emergency vehicles.

**Paragraph 4. b. Construction Plans** - Unless mutually agreed otherwise, construction plans shall require the following: (i) bridge will be a prefabricated steel truss style with concrete abutments; (ii) bridge width and weight capacity (10,000 lbs recommended) must accommodate maintenance and emergency vehicles; (iii) the bridge must include bollards to prevent unauthorized vehicle access; (iv) path will be hard surfaced; (v) path will be no more than 12' wide with 10' wide low-growing landscape buffer on each side where feasible; (vi) screening to be installed to prevent public access to the Veenker Memorial Golf Course from the shared use path; (vii) access points to be installed in the screening as requested by Grantor; and (viii) relocate bulk material storage pad. The Grantee shall be solely responsible for all expenses associated with the construction.

**Paragraph 5 Maintenance and Repair** - Grantee shall be solely responsible at its expense for maintaining and repairing the easement area. Any damage caused by the Grantor will be the sole responsibility of the Grantor.

**Paragraph 10 Duration** - Easement is granted, and all rights set forth in this agreement shall endure, so long as Grantee continues to use the easement area for any of the purposes set forth in paragraph 2 above in accordance with this agreement.

Once this agreement is approved by City Council, it will go the Board of Regents on June 9 for approval.

Please note that funding of \$400,000 is included in the 2026/27 CIP for installation of a bridge

over loway Creek. The funding includes an already awarded \$200,000 Resource Enhancement and Protection (REAP) grant from the Iowa DNR. Public Works included \$25,000 in its 2024/25 CIP for trail design and \$100,000 in its 2025/26 CIP to construct a path from Moore Memorial Park to the bridge. The goal is to get this first phase of path and bridge completed in FY 2026/27.

**ALTERNATIVES:**

1. Approve the easement agreement with Iowa State University (ISU) to place a bridge and future shared use path on ISU property
2. Do not approve the lease agreement
3. Refer back to staff

**CITY MANAGER'S RECOMMENDED ACTION:**

A trail connection from Moore Memorial Park to Ontario Street has been discussed for many years and would provide residents and ISU students a new route between these sections of town. This trail will also provide access to the recently planted prairie in Moore Memorial Park on the west side of loway Creek.

**To bring this trail connection to reality, it is necessary for the City to obtain an easement from ISU. Approval of the easement agreement before Council will allow the work to begin. Both ISU and the City realize the benefits this trail will provide to all users.** Therefore, it is the City Manager's recommendation to approve Alternative #1 as stated above.

**ATTACHMENT(S):**

[Bridge & Shared Use Path Easement wExhibits.pdf](#)