

MEMORANDUM

To: Board of Regents
From: Board Office
Subject: Agreements for Construction of a Recreation Trail on University of Northern Iowa Property
Date: March 12, 2001

Recommended Action:

Approve the following agreements for development of a recreational trail by the City of Cedar Falls on University of Northern Iowa property:

1. Recreational trail funding agreement with the Iowa Department of Transportation and the City of Cedar Falls;
2. Development, operations and maintenance agreement with the City of Cedar Falls; and
3. Easement agreement with the City of Cedar Falls.

(ROLL CALL VOTE)**Executive Summary:**

The University requests approval to enter into agreements with the Iowa Department of Transportation and the City of Cedar Falls for construction of a recreation trail. The trail, which would be constructed by the City on three parcels of University land located east of the main campus, would connect the campus to the city's trail system. A map which indicates the location of the proposed trail and the three parcels of University land is included as Attachment A.

The proposed project would be funded by a grant from the Iowa Recreational Trails Program of the Iowa Department of Transportation, and local matching funds from the University and the City of Cedar Falls. The University's share of the total project cost of \$230,951 would be \$35,509, to be funded by building repair funds.

The recreational trail funding agreement between the University, the Iowa Department of Transportation, and the City of Cedar Falls, provides the grant funding for the project and outlines the local matching fund obligation. The development, operation and maintenance agreement between the University and the City of Cedar Falls provides for City administration of the project, and details the City and University matching fund obligations and maintenance responsibilities for the trail. The permanent easement agreement provides for the City's use of the three parcels of land for the construction, operation and maintenance of the recreation trail. The agreements have been reviewed by the Attorney General's Office and are recommended for approval.

Construction of the recreation trail is scheduled to take place during the summer of 2001 for completion and use in the fall of 2001.

Background and Analysis:

The project would include construction of a ten-foot wide recreation trail beginning at the Seerley Boulevard and Highway 58 intersection, traveling through the University preserve in a southwesterly direction, and terminating at the intersection of West 29th and College Street (Jennings Drive).

The agreement with the Iowa Department of Transportation provides grant funding for the project in the amount of \$173,213, which represents 75 percent of the total project cost. In addition, the agreement provides for the Department's review of the plans and specifications, and includes various reporting requirements from the City and the University to the Department. The agreement also specifies the construction timetable. The agreement requires the University and the City of Cedar Falls to indemnify, defend and hold harmless the Department of Transportation from any action or liability arising from the Department's activities related to the project.

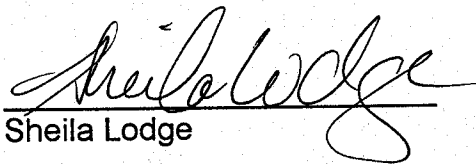
The development, operation and maintenance agreement details the obligations of the City and the University. The agreement provides for administration of the project by the City, and specifies the maintenance responsibilities of the City and the University. This includes the City's responsibility for patching, crack sealing and debris removal of the trail surface, and the University's responsibility for mowing and debris removal from the property adjacent to the trail. The maintenance responsibilities of each party would continue for a minimum of 20 years following completion of the trail project.

The agreement also provides the matching funds for the project totaling \$57,738 (25 percent of the total project cost). This amount includes \$35,509 from the University of Northern Iowa and \$22,229 from the City of Cedar Falls. The University's portion is equivalent to 61.5 percent of the total matching funds, which represents the University's portion of the length of the recreation trail.

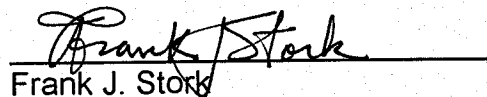
The University proposes to use building repair funds for its portion of the project cost. The University has indicated that the decision to use this fund source is consistent with its use of building repair funds for sidewalk projects on campus. In addition, the University reports that the Center for Energy and Environmental Education plans to promote the trail as a commuter route for faculty, staff and students who live east of the area. Since the trail would connect with the City trail system, it would also provide recreational opportunities for students.

The permanent easement agreement provides for the City's use of the three parcels of land for the construction, operation and maintenance of the recreation trail. The agreement requires the City to indemnify, defend and hold harmless the University and the Board from any and all damages arising from the City's use of the easement areas. The easement agreement will remain in effect for as long as the easement areas are used for the recreation trail.

The University reports that the proposal for construction of the recreation trail was first initiated by the City of Cedar Falls in 1997. The project has been on hold since that time as the City has worked to develop the appropriate agreements for the proposed project.


Sheila Lodge

Approved:


Frank J. Stork

UNIVERSITY OF NORTHERN IOWA
CEDAR FALLS, IOWA



Recreation Trail
Easement

