



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

99-291

SYNOPSIS -

AGENDA:

JUNE 21, 1999

Amend the Professional Services Agreement to allow for the construction of Phase 2 of the road relocation which includes a portion of SW 34th Street and a portion of McKinley Avenue. As a part of this proposed amendment, the City is to contract for the construction of the Phase 2 road relocation as a public improvement project and provide construction management and inspection services for compensation from the Iowa Air National Guard (IANG).

SUBJECT:

APPROVAL OF
AMENDMENT NO. 2
TO THE
PROFESSIONAL
SERVICES
AGREEMENT WITH
THE IOWA AIR
NATIONAL GUARD
FOR THE
RELOCATION OF
PORTIONS OF SW
34TH STREET AND
MCKINLEY
AVENUE

FISCAL IMPACT -

This project and the needed property interest acquisitions are contained in the approved Capital Improvement Program (CIP). The proposed amendment provides that the IANG will pay for the project with \$1,600,000 of federal funds which are currently available for the project and the Airport will be responsible for the acquisition of the additional property interests, relocation assistance, and demolition, as needed, for the project. These costs are estimated to be approximately \$600,000.

TYPE:

RECOMMENDATION -

RESOLUTION
ORDINANCE
RECEIVE/FILE

Approve Amendment No. 2 to the Professional Services Agreement between the City and the United States of America for the IANG and to authorize the acquisition of the needed property interests by gift, sale, or eminent domain.

SUBMITTED BY:

WILLIAM F.
FLANNERY
AVIATION

BACKGROUND -

On June 23, 1975, by Roll Call No. 2969, the City Council approved a Long-term Lease between the City and the United

DIRECTOR

States of America for the IANG. The IANG's Long-term Lease Agreement has been amended on six separate occasions during its term. The term of the lease began on June 23, 1975, and as amended now extends on a year-to-year basis without further notice but in no event beyond June 30, 2030.

On May 13, 1991, by Roll Call No. 91-2000, the City Council received the IANG Master Plan which outlined the needs and desires of the IANG to expand their facilities at the Airport and authorized the City to cooperate with the IANG in implementing the Plan. On May 20 1991, by Roll Call No. 91-2057, the City Council agreed to cooperate with the IANG in implementing the IANG Master Plan through the voluntary acquisition of property interests in land identified by the IANG Master Plan. The above roll call set forth a multi-faceted implementation plan to acquire the various properties, identify the funding sources for the purchases, and set the procedure for transferring the properties to the IANG. The approval of Roll Call No. 91-2057 was the culmination of an understanding by which the IANG would provide, at a minimum, Aircraft Rescue and Fire Fighting (ARFF) personnel and equipment to meet Federal Aviation Administration (FAA) requirements for the Airport. In return, the City would use fees collected from airfield users using the Airport to purchase property on an owner-voluntary basis. An important part in the IANG's Airport Leasehold Expansion Plan has been the voluntary acquisition of additional land contiguous and north of the existing leasehold. This project was to provide the land needed to relocate portions of McKinley Avenue, SW 34th Street, Watrous Avenue, and SW 42nd Street as outlined in the IANG Master Plan.

On April 27, 1992, by Roll Call No. 92-1508, the City Council approved a Professional Services Agreement between the City and the U. S. Government for the IANG, with a minor modification to the indemnification/liability provision as further authorized by the City Council on July 13, 1992. This Professional Services Agreement authorized the City to provide engineering design services associated with the relocation of portions of McKinley Avenue, SW 34th Street, Watrous Avenue, and SW 42nd Street for a design fee of \$53,400.

On July 10, 1995, by Roll Call No. 95-2693 and formal recommendation of the Airport Board, the City Council approved Amendment No. 1 to the Professional Services Agreement. The approval authorized the City to construct the Phase 1 portion of the road relocation work (the section from

SW 34th Street to SW 42nd Street) and obligated the IANG to reimburse the City \$855,000 for construction, construction management/inspection, and utility relocation. The Phase 1 work was subsequently completed by the City and the reimbursement made by the IANG.

Upon completion of this section of relocated SW 34th Street and McKinley Avenue, the City will close the existing public observation area, known as the "Blue Lights" Area, and the area will be incorporated into the IANG Airport Leasehold. For security and safety reasons, the City has not included a new observation area in the construction project for the relocation of SW 34th Street and McKinley Avenue. In the future, as the Airport expands to the south and west, the City will make an effort to find a suitable location for a new public observation area.

In order to contract for the construction of the remaining road relocation work, the Airport is responsible for completing and paying for the acquisition of the additional property interests needed for the project up to and including the use of eminent domain, if necessary. If eminent domain becomes necessary, the City will follow the provisions of House File 476 (Condemnation Bill), recently signed by the Governor and to become effective July 1, 1999. With this proposed amendment not requiring the City to complete road relocation work until June 1, 2001, it is hoped there will be sufficient time to follow the provisions of the new law regarding the use of eminent domain to acquire property interests for public purpose. If for some reason it takes longer than anticipated to follow these new procedures, the City may terminate the agreement.