

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

99-331

SYNOPSIS -

AGENDA:

JULY 26, 1999

A change order in the amount of \$20,630.70 has been negotiated with M. Peterson Construction Company, Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, Iowa, 50313, for additional work in conjunction with the 6th Avenue and SW 7th Street Paving - Mulberry Street to Murphy Street. This change order provides for major revisions to the storm sewer system to avoid an AT&T fiber optic conduit which was found to be in the way of the proposed storm sewer.

SUBJECT:

6TH AVENUE AND SW
7TH STREET PAVING
AT M. L. KING
PARKWAY-CHANGE
ORDER NO. 1

FISCAL IMPACT -

TYPE:

Funding for this project is in the 1999-2000 Capital Improvements Budget - CIP Index Code 383943, Account 543060, Fund CP038, Organization ENG990000, Project/Grant STR039 - Martin Luther King, Jr. Parkway - East/West Segment.

RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION -

SUBMITTED BY:

Approval.

FLOYD BENTZ, P.E.
CITY ENGINEER

BACKGROUND -

Upon excavating for the proposed storm sewer to service the 6th Avenue and SW 7th Street paving as part of the M. L. King Parkway project, a fiber optic concrete encased conduit owned by AT&T Corporation was discovered to be in the way of the proposed storm sewer. Since this fiber optic conduit is a major corridor for AT&T and is located immediately adjacent to the active Iowa Interstate mainline railroad tracks, it is estimated to take four-six months at an expense of \$500,000 to relocate this utility.

Since AT&T claims it has easement rights for its conduit, it is their opinion that any relocation cost would be at City expense. It is the position of the City staff that the City actually owns the land in question (Vine Street) and the easement issued to AT&T is not valid. However, this issue will not be resolved in the near future.

To expedite this project, the storm sewer design was revised to avoid the conflict with the AT&T fiber optic conduit. The proposed revision involves 900 feet of storm sewer, one intake, two manholes, and 50 feet of pipe jacked under the Iowa Interstate Railroad Company tracks. This change order covers the additional construction cost to construct the necessary storm sewer system and avoid the existing AT&T conduit.

The City is currently working with AT&T Corporation in an attempt to recoup these extra costs.