 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> January 9, 2017
	<b>Agenda Item No.</b> 39 <b>Roll Call No.</b> <u>17-0047</u> <b>Communication No.</b> <u>17-018</u> <b>Submitted by:</b> Pamela S. Cooksey, P.E., City Engineer and Matthew A. Anderson, Assistant City Manager

**AGENDA HEADING:**

Approving and authorizing the execution of Agreement for Cooperative Public Service between Polk County, Iowa and the City of Des Moines for the Park Street Skywalk Bridge Project, also known as Skywalk Bridge Project 4J-4K.

**SYNOPSIS:**

Recommend approval and authorization of the execution of Agreement for Cooperative Public Service between Polk County, Iowa and the City of Des Moines for the Park Street Skywalk Bridge Project, also known as Skywalk Bridge Project 4J-4K.

**FISCAL IMPACT:**

Amount: \$731,258 (maximum amount per agreement = 110% of the total estimated City costs, as estimated by Polk County)

Funding Source: 2016-2017 CIP Page Street Improvements – 34, Skywalk System, Tax Increment Bonds to be Issued

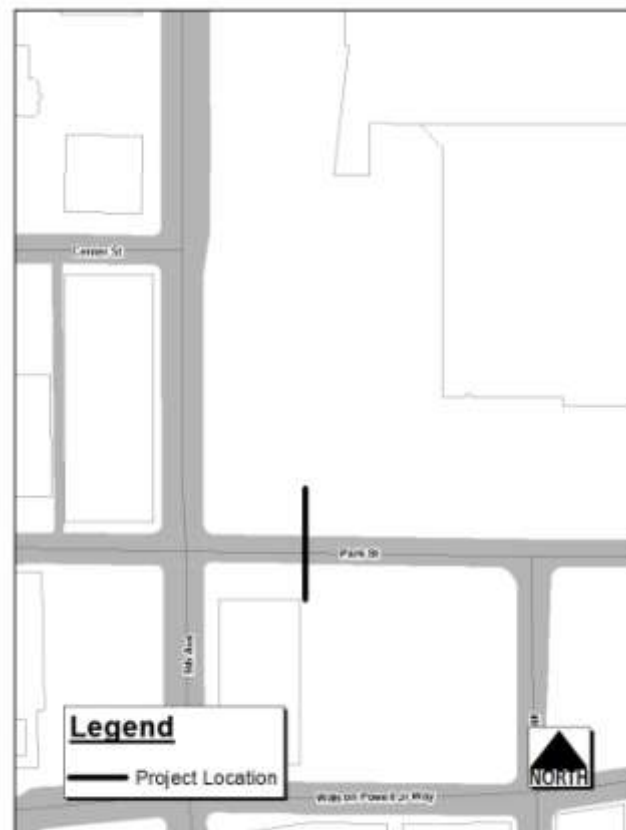
**ADDITIONAL INFORMATION:**

The existing Skywalk Bridge 4J-4K over Park Street was demolished by DSM Convention Hotel, LLC as part of the construction of the convention headquarters hotel connected to the Iowa Events Center.

On March 21, 2016, by Roll Call No. 16-0517, City Council approved the First Amended and Restated Development Agreement by and among Polk County, Iowa, City of Des Moines, Iowa, and IEC Hotel Corporation, Consents to Collateral Assignment from IEC Hotel Corporation to DSM Convention Hotel, LLC, and an amended joint agreement with Polk County for IEC urban renewal plan to reflect an updated property description. At that time, the City was planning to construct the replacement Skywalk Bridge 4J-4K over Park Street connecting the Knapp Building at 611 5<sup>th</sup> Avenue with the new Iowa Events Center Hotel at 435 Park Street.

In the fall of 2016, Polk County requested to be the lead agency for the replacement Skywalk Bridge 4J-4K over Park Street. This Agreement for Cooperative Public Service provides the terms for replacement of the Skywalk Bridge 4J-4K over Park Street. The Agreement provides that:

- Polk County is the lead agency for this project and shall provide all planning, concept development, architectural and engineering design services, survey, bidding and contract administration in compliance with Chapter 26 of the Iowa Code, construction, and construction administration/inspection for the construction of the replacement Skywalk Bridge 4J-4K over Park Street.
- In no event shall the City's share of the Project Cost exceed the City's Maximum Cost Responsibility of \$731,258 which equals 110% of the total estimated City costs. Polk County has estimated the total project cost (construction, design, inspection) to be \$1,546,000 and has also estimated the City's share of the Project cost to be \$664,780.
- Skywalk Bridge Project 4J-4K is part of the City Skywalk System and accordingly the First Amendment to Skywalk Agreement addressing construction and maintenance as well as other obligations for the replacement Skywalk Corridor through the Iowa Events Center and replacement Skywalk Bridge 4J-4K connecting to the IEC Hotel must be signed by the City, County and the other owners/lessees of the IEC Hotel. The City shall have no obligation to make any payments under this Agreement unless the First Amendment to Skywalk Agreement, including applicable exhibits thereto, are signed by all parties and the First Amendment to Skywalk Agreement is filed of record in the Office of the Polk County Recorder.
- Upon completion of the project, responsibility for maintenance will be in accordance with Article VII of the Skywalk Agreement and Des Moines Municipal Code Section 102-328. Upon completion and acceptance by the Des Moines City Council pursuant to resolution, the City will have ownership of all Skywalk Bridge Project 4J-4K improvements within the City right-of-way in accordance with Article II Section 9 of the Skywalk Agreement.



**PREVIOUS COUNCIL ACTION(S):**

Date: March 21, 2016

Roll Call Number: [16-0517](#)

Action: [Approving](#) the Amended and Restated Development Agreement ([Council Communication No. 16-158](#)) Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Urban Design Review Board

Date: December 6, 2016

Resolution Number: N/A

Action: Review and Recommendation on the Final Design Park Street Skywalk Bridge.

Board: Access Advisory Board

Date: November 16, 2016

Resolution Number: #16-37

Action: Action was approved.

Board: Plan and Zoning Commission

Date: November 17, 2016

Action: Jan Freed moved staff recommendation for the approval of a proposed Skywalk replacement over Park Street between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue, to allow connection of the Iowa Events Center Hilton Hotel project to the Skywalk system subject to review of final design by the Urban Design Review Board.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Amendment to Skywalk Agreement and acceptance of completed project.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).