 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	February 6, 2017
	<b>Agenda Item No.</b>	<b>31</b>
	<b>Roll Call No.</b>	<b><u>17-0198</u></b>
	<b>Communication No.</b>	<b><u>17-068</u></b>
	<b>Submitted by:</b>	<b>Pamela S. Cooksey, P.E., City Engineer</b>

**AGENDA HEADING:**

Approving Skywalk Agreement, including limited skywalk easements, between the City, Polk County, Iowa, IEC Hotel Corporation, Fifth and Park, LLC, and DSM Convention Hotel, LLC (Iowa Events Center Hotel).

**SYNOPSIS:**

Recommend approval of the First Amendment to Skywalk Agreement with Polk County, IEC Hotel Corporation, and related entities for construction of new replacement Skywalk Bridge 4J-4K crossing Park Street and replacement Skywalk Corridor in conjunction with the construction of the Iowa Events Center Hotel.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

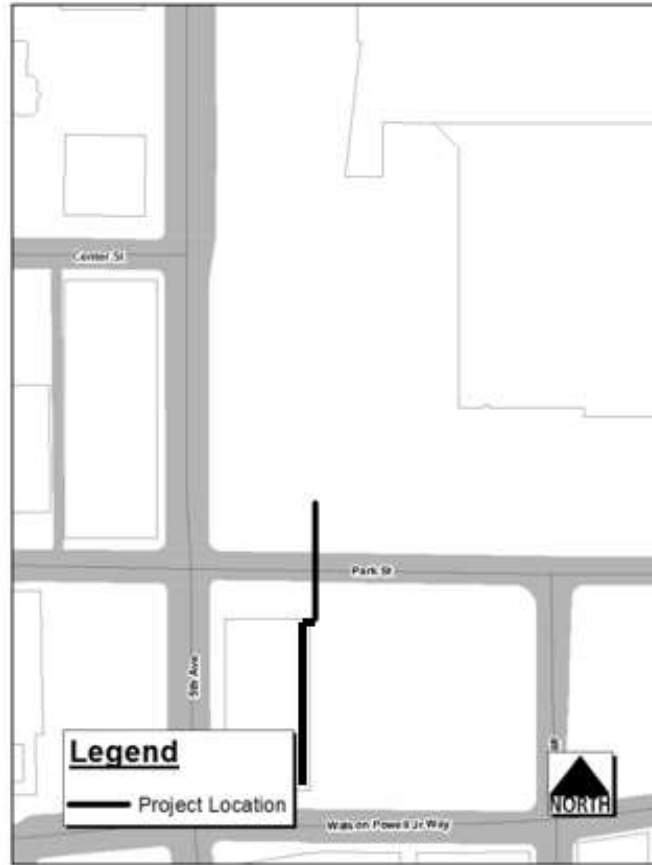
The existing Skywalk Bridge 4J-4K over Park Street was demolished by DSM Convention Hotel, LLC as part of the construction of the convention headquarters hotel connected to the Iowa Events Center.

On January 9, 2017, by Roll Call No. 17-0047, City Council approved the Agreement for Cooperative Public Service with Polk County. Polk County requested to be the lead agency for the replacement Skywalk Bridge 4J-4K over Park Street. The Agreement for Cooperative Public Service provides the terms for replacement of the Skywalk Bridge 4J-4K over Park Street. Part of those terms stated:

- 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 the Agreement for Cooperative Public Service until 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.

Polk County and the other owners/lessees of the IEC Hotel have signed the First Amendment to Skywalk Agreement and are requesting that the City approve and authorize this Agreement.

Upon completion of the project, Skywalk Bridge 4J-4K and Skywalk Corridor through the Iowa Events Center Hotel will become part of the Skywalk System. 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 City Council pursuant to resolution, the City will have ownership of all Skywalk Bridge Project 4J-4K improvements within the City right-of-way.



**PREVIOUS COUNCIL ACTION(S):**

Date: January 9, 2017

Roll Call Number: [17-0047](#)

Action: [Execution](#) of Agreement for Cooperative Public Service with Polk County, Iowa for the Park Street Skywalk Bridge Project 4J-4K. ([Council Communication No. 17-018](#)) Moved by Moore 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. Approve the final design as presented. Yes: 5, Abstain: 1, Absent: 4.

Board: Plan and Zoning Commission

Date: November 17, 2016

Resolution Number: N/A

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. The vote: 10-0.

Board: Access Advisory Board

Date: November 16, 2016

Resolution Number: 16-37

Action: Presentation by Calvin Miller of City Engineering Department for skywalk between 4th & 5th Streets on Park Avenue to the Iowa Events Center Hotel. Reviewed by Ford. 3” transition slope across Park. Last 30’ will be ramp transition to hotel. Skywalk meets all ADA requirements, is fully accessible and has access to street level. There will be Braille signage into the bridge and automated doors. Motion to approve by Oberbroeckling. Seconded by Ford. Motion Carried.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

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).