 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: March 26, 2018
	Agenda Item No. 3A Roll Call No. <u>18-0528</u> Communication No. <u>18-154</u> Submitted by: Benjamin R. Page, Park and Recreation Director

AGENDA HEADING:

Approval of Agreement for Cooperative Public Service between Polk County and City of Des Moines regarding a skateboard park to include vacation and conveyance of City property.

SYNOPSIS:

Recommend entering into the proposed agreement with Polk County (Angela Connolly, Chairperson, 111 Court Avenue, Room 300, Des Moines, Iowa 50309) to fund, design, and construct a regional skateboard park located on the east side of 2nd Avenue, north of the Rotary Riverwalk Park, east of Wells Fargo Arena, and south of Interstate-235. Upon completion, it will be donated to the City. To aid in fundraising efforts, County shall have the right to designate the naming of the skateboard park and its features for a period of 20 years, subject to compliance with the City’s policy for naming of streets, facilities and parkland in the City of Des Moines, and City Council approval.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Project History –

- In fall 2004, several youth gathered for an A Mid-Iowa Organizing Strategy (AMOS) meeting in Des Moines. The need for more youth recreational opportunities for youth emerged as a primary need. From this, a large centrally located, high quality skateboard park became a primary focus.
- Soon after this first meeting, over 50 skateboarders and parents, City staff and AMOS representatives met and the Des Moines Regional Skateboard Park Committee was formed to provide vision and leadership to move the project forward.
- Through a series of regular meetings, the committee discussed possible sites (final site shown in Exhibit A), the composition of the Skateboard Park, designers, and preliminary costs for a world-class park in Des Moines. The consensus was to build a large regional skateboard park accessible to skateboarders of all ages, skill levels, and means.
- In 2010, the Community Foundation of Greater Des Moines awarded a \$50,000 leadership grant to the group for completion of the design and to hire a professional fundraiser.

- Premier design/build firm California Skateparks was selected to prepare the 2012 Conceptual Site Plan (see Exhibit B). The resulting 65,000-square-foot skateboard park was valued at \$3,500,000. It was envisioned as one (1) of the largest open skateboard parks in the United States. Fundraising continued.
- On July 25, 2016, by Roll Call No: 16-1240, the City Council approved a donation and construction agreement between the City and AMOS.
- In November 2016, additional fundraisers stepped forward to help bring the project to realization. AMOS formally terminated their agreement with the City (see Exhibit C) to pave the way for a revised approach to completing the project as presented in this Council Communication and associated Agreement.

Significant Details of the Agreement –

- The County, through their Public Works Department, shall be solely responsible for this project and shall provide all planning, concept development, preliminary and final architectural and engineering design services, survey, contract administration, and construction administration/inspection for the construction of the Skate Park Improvements at no cost to the County.
- The City Manager will approve all plans prior to construction.
- Construction, estimated at \$3,500,000, shall not begin until the County has received at least 50% of funds to be raised and pledges for the remainder. No City funds will be provided for or used in the design and construction of the Skate Park Improvements.
- The County will give the City \$225,000 for use as a maintenance fund for the Skate Park improvements.
- The construction period shall end no later than November 30, 2019. In the event that construction is not completed by November 30, 2019, the County may request an extension of time for the construction period for up to three (3) additional years, and the City Manager may grant such exception at his sole discretion.
- In order for the County to own the real estate upon which the Skate Park improvements will be constructed during the period of construction, the City agrees to convey to the County the City property by the Quit Claim Deed within five (5) business days upon written notification by the County that it has received at least 50% of the costs, including the \$225,000 for the maintenance fund. Within five (5) business days of acceptance of the Skate Park improvements by the City Council, the County shall convey the property back to the City.

- Acceptance of ownership of the Skate Park Improvements shall be subject to:
 1. Certification by the County's engineer that all of the Skate Park Improvements have been built in accordance with the plans and specifications approved by the City
 2. Providing the City Engineer with all inspection and testing reports which constituted the basis for such County's engineer's certification and the City Engineer's acceptance of such as reports as a reasonable basis on which to base such certification
 3. Documentation by the County's engineer that all construction contracts have been paid in full and the County has accepted the contract(s) as complete
 4. Transfer by the County of a fund in the amount of \$225,000 for maintenance by the City of the Skate Park Improvements
 5. Certification by the County that there are no liens, mortgages or other encumbrances upon the City Property
 6. Receipt of a written warranty from the construction contractor and architect that the improvements were constructed and designed in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction of the Skate Park Improvements

- Upon completion and acceptance by the Des Moines City Council pursuant to resolution, the City will have ownership of all Skate Park Improvements and be solely responsible for any and all future improvements.

Benefits to the City and taxpayers -

- The preferred site for the Downtown Regional Skateboard Park is located on a portion of property north of the Rotary Riverwalk Park, along the west bank of the Des Moines River. This area was originally considered for residential/commercial development; however, due to grades and sanitary and storm water utilities in this area it became unfeasible for development. Recreational development of this area would provide a positive impact and anchor to the northwest end of the Principal Riverwalk.

- The project contributes directly to achieving three (3) GuideDSM goals:
 1. Sustainable Community – Our Neighborhoods, Our Downtown
 2. Livable Community – Expanded Leisure, Arts and Cultural Opportunities
 3. Upgraded City Infrastructure and Buildings

Exhibit A - Project Location

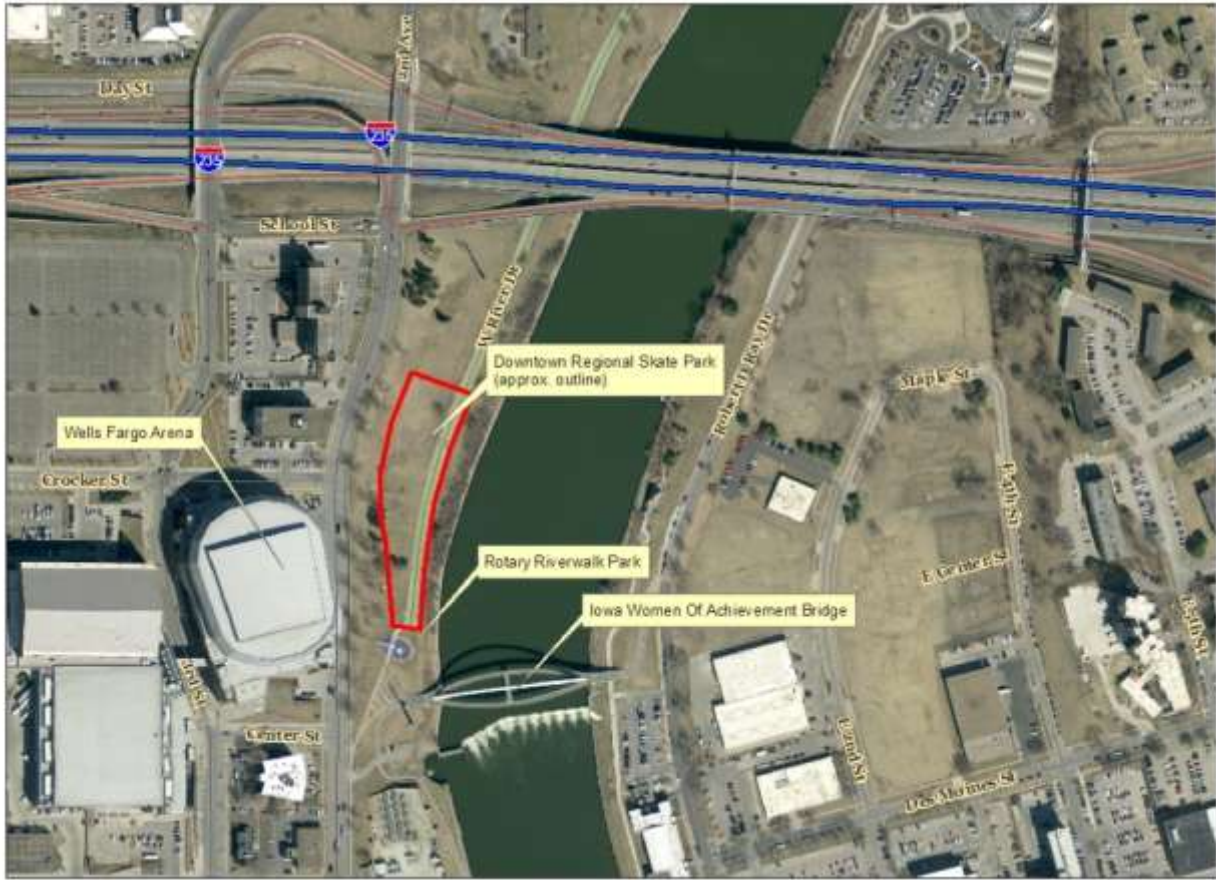


Exhibit B - Preliminary Project Plan



Exhibit C – AMOS agreement termination letter



November 20, 2017

Ben Page, Director Park & Recreation
City of Des Moines
1551 E Martin Luther King Parkway
Des Moines, Iowa 50317

Dear Ben:

This letter shall serve as formal termination of the Donation and Construction Agreement Between A Mid-Iowa Organizing Strategy (AMOS) and the City of Des Moines regarding the Downtown Regional Skateboard Park, dated July 25, 2016. AMOS wishes to terminate this agreement, effective immediately as of November 20, 2017.

AMOS members look forward to continuation of the skateboard park project, but without our organization in the construction management role.

Thank you for your assistance, Ben. We are grateful for the support and cooperation you have offered to this project over a number of years.

Sincerely,

Sally Boeckholt
President, A Mid-Iowa Organizing Strategy (AMOS)

CC:

Councilmember Christine Hensley
City of Des Moines Legal Department
Liz Hall, AMOS Organizer

PREVIOUS COUNCIL ACTION(S):

Date: March 19, 2018

Roll Call Number: [18-0456](#)

Action: [On](#) vacation of parkland located east of 2nd Avenue and Crocker Street and conveyance to Polk County, Iowa, (3-26-18, 7:30 AM). ([Council Communication No. 18-150](#)) Moved by Mandelbaum to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: September 22, 2009

Resolution Number: 09-092

Action: Approve the conceptual development plan for West Riverside Drive.

Board: Park and Recreation Board

Date: January 25, 2005

Resolution Number: 05-011

Action: Park and Recreation Board established a Citizen Advisory Committee to review skate park locations and designs.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Anticipated actions are limited due to Polk County's role in the project, but will include final acceptance and ownership of the project as outlined above.

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