



Date March 20, 2017

RESOLUTION EXTENDING THE 3-YEAR DEADLINE UNDER THE SKYWALK ORDINANCE FOR REPLACEMENT OF THE SKYWALK CORRIDOR IN THE FIFTH AND GRAND PARKING GARAGE, UNTIL AUGUST 19, 2028

WHEREAS, on February 13, 2017, by Roll Call No. 17-0233, the City Council approved a competitive process for the sale and redevelopment of the Fifth and Walnut Parking Garage and received a redevelopment proposal from Fifth and Walnut Parking, LLC (the "Developer"), represented by Justin Mandelbaum, Manager; and,

WHEREAS, no qualified competing proposals were timely submitted, and the City Council desires to consider approval of the Developer's proposal; and,

WHEREAS, the Developer's proposal provides for the Developer to close the Skywalk Corridor through the existing garage and commence demolition of the existing garage by September 20, 2017, and although the Developer will endeavor to complete the new building fronting on Walnut Street and replacement corridor at an earlier date, Developer is not required to have the new building and replacement corridor completed prior to August 19, 2028,; and,

WHEREAS, the possibility that the Skywalk Corridor within the existing garage will be closed for nearly 11 years requires special approval under Section 102-328 of the Skywalk Ordinance, which provides:

If the portion of the skywalk system traversing private property is so damaged or destroyed as to be unusable, [the owners of that private property] shall be responsible for providing either an immediate temporary route around the damaged portion or construction of a temporary route to the ground level and a temporary route back to the skywalk system at the other end of the damaged portion and shall rebuild or otherwise replace the damaged portion of the skywalk system as soon as is reasonable, but in any event within three years, unless the city council for good cause shown extends the three-year period, subject to such reasonable conditions as it may impose, for such reasonable period of time as is necessary to complete the repairs or replacement.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, as follows:

- 1. The City Council hereby makes the following findings regarding the demolition and replacement of the existing Skywalk Corridor within the Fifth and Walnut Parking Garage:
a) There is a reasonable, convenient and accessible alternate route within the Skywalk System around the Skywalk Corridor proposed to be closed, that adds no more than approximately 1 block to the travel distance. Therefore, the Developer's obligation to "immediately provide . . . a temporary route around" the portion of the Skywalk Corridor now within the Fifth and Walnut Parking Garage is already satisfied by the existing conditions.
b) Preservation of the existing Skywalk Corridor within the Fifth and Walnut Parking Garage until construction can be commenced on a permanent replacement Skywalk Corridor is not feasible.

**Date** March 20, 2017

Preservation of the existing Skywalk Corridor during the demolition of the existing garage is estimated to add approximately \$1.2 million to the garage demolition costs, with an additional \$350,000 required to demo the remaining Skywalk Corridor when construction is ready to commence on the new building.

- c) Developer has shown that the proposed development of a high rise hotel and apartment tower entails both a significant predevelopment period and construction period, which combined will likely exceed the three-year period for re-construction of skywalk access. Furthermore, construction of a permanent skywalk corridor that is not part of the final building development would entail significant expense, interfere with the development of the proposed tower, and be of little benefit to the citizens of Des Moines due to (a) its temporary nature, (b) the fact that the temporary skywalk access is within approximately one block, and (c) such detour sends pedestrians through the Kaleidoscope Mall which the City of Des Moines wishes to encourage in order to support the local retail environment. The overall design of the project includes a parking garage that at City's request is given priority in the construction process. The project has been designed with City input and review and is designed to maximize the retail and commercial value of the site, including the installation of both hotel and movie theater. In order to maximize the site at City's request, there is good cause to find additional time is needed to complete the development.
  - d) For the reasons set forth above, the Developer has demonstrated good cause for the extension of the deadline for the completion of the new Skywalk Corridor to replace the Skywalk Corridor now located within the Fifth and Walnut Parking Garage.
2. The City Council hereby grants and approves an extension of time to August 19, 2028, to complete the new Skywalk Corridor to replace the Skywalk Corridor now located within the Fifth and Walnut Parking Garage.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk