

Date June 24, 2019

**AUTHORIZATION TO RESUBMIT A REVITALIZE IOWA'S SOUND ECONOMY
(RISE) GRANT APPLICATION TO THE IOWA DEPARTMENT OF
TRANSPORTATION FOR THE AIRPORT AUTHORITY S.W. 28TH STREET
EXTENSION PROJECT**

WHEREAS, the Des Moines Airport Authority is seeking a Revitalize Iowa's Sound Economy (RISE) grant to support the S.W. 28th Street Extension Project; and

WHEREAS, in accordance with the Iowa Administrative Rules, all incorporated cities and all counties are eligible to apply for and receive funds under the RISE program; and

WHEREAS, the RISE grant application documents do not currently address the possibility for other applicants, such as the Des Moines Airport Authority; and

WHEREAS, the City has been asked to submit a RISE grant application;

WHEREAS, Council authorized submission of a grant application on January 28, 2019 by Resolution No. 19-0152 and additional modifications have been made to that grant application through discussions with the Des Moines Airport Authority; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City hereby endorses the Airport Authority's plan to extend S.W. 28th Street identified in the RISE grant application, and that Airport Authority will be responsible for making the roadway open to the public for use as allowed by the 2011 Real Estate Lease and Asset Transfer Agreement between the City of Des Moines and Des Moines Airport Authority.
2. The Des Moines Airport Authority has prepared the revised application and intends to be the lead organization for the S.W. 28th Street Extension Project, including design, administration, letting, construction and maintenance.
3. The Des Moines Airport Authority will assume responsibility for the roadway identified in the RISE application and will be responsible for adequately maintaining such roadway.
4. The City Manager is authorized to submit the RISE grant application as further modified on behalf of the Airport Authority for the S.W. 28th Street Extension Project.

★ **Roll Call Number**

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5. The City Manager is authorized and directed to sign the RISE grant application as further modified and the attached cover letter.

Moved by _____ to adopt.

FORM APPROVED: _____
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source: Airport Authority

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

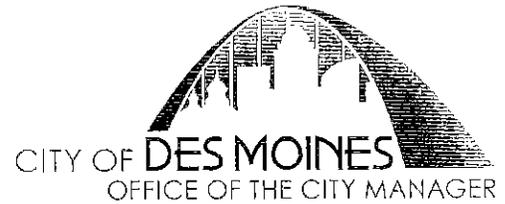
CERTIFICATE

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.

 City Clerk

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June 24, 2019

Stuart Anderson, P.E., Director
Planning, Programming and Modal Division
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Dear Mr. Anderson:

The City of Des Moines is submitting the revised application for a RISE grant for the Des Moines International Airport Authority (Authority) for your review. We want to be clear with Iowa Department of Transportation (IDOT) as to the status of SW 28th Street. The Des Moines International Airport, including SW 28th Street are owned in fee by the City of Des Moines and under a long term lease to the Authority. The City does not have operational control of SW 28th Street including whether it is open to the public. The SW 28th Street is under the operational control of the Authority, including all maintenance responsibilities. SW 28th Street is not dedicated as public right of way, as it is leased to the Authority. There is no intention that SW 28th Street will be dedicated as public right of way, as neither the City or the Authority desire to have it dedicated as public right of way. Streets which are dedicated public right of way, unlike SW 28th Street, are open to the public as a matter of right consistent with the definition of street in the City of Des Moines Municipal Code.

It is our understanding that IDOT understands all of this and it is the Department's position that SW 28th Street on the Des Moines International Airport, under lease and control of the Authority, meets the definition of City street and the definition of "a publicly owned and open to the public roadway within a city" under the RISE application and requirements. The City has revised the RISE application based on that understanding and consistent with that understanding.

It is also our understanding it is acceptable to the IDOT that the project will be let directly by the Authority, that all RISE funds will be paid directly to the Authority and that the agreement for the RISE funds will be revised to reflect the unique circumstances of this situation. If there are questions or issues, we request that the Assistant Attorney General assigned to IDOT contact the City Legal representatives, Kathy Vanderpool and/or Tom Fisher, and the Authority's attorney, Jim Wainwright, to discuss.

Sincerely,

Scott E. Sanders
City Manager

Kevin Foley
Executive Director and General Manager