



Date October 24, 2022

**RESOLUTION APPROVING SEVENTH AMENDMENT AND SUPPLEMENT
TO SKYWALK AGREEMENT WITH EMPLOYERS MUTUAL CASUALTY (EMC)
COMPANY**

WHEREAS, the property locally known as 701 Walnut Street (“Property”) is subject to a Skywalk Agreement (“Skywalk Agreement”) dated May 5, 1981 and filed of record with the Polk County, Iowa Recorder in Book 5097 at Page 64; and

WHEREAS, Employers Mutual Casualty (“EMC”) is the successor in interest to a portion of the Skywalk Agreement affecting the Property; and

WHEREAS, the City permanently removed Skywalk Bridge 7C-7D, and reopened Walnut Street pedestrian right-of-way in a recent City project; and

WHEREAS, following the catastrophic fire that occurred on the Property in 2014, Skywalk Corridor 7D(s) was removed; and

WHEREAS, EMC plans to build a stairway and nodal area (together the “Stairway”), on the east side of the Property to allow public ingress and egress between the urban park on the Property and the Skywalk System;

WHEREAS, City and EMC desire to amend the Skywalk Agreement to permanently remove skywalk bridge 7C-7D and Skywalk Corridor 7D(s) (collectively “Demolished Skywalk Improvements”) from the Skywalk System Plan Map and the Official Skywalk Map, and add the Stairway to the Skywalk System Plan Map and the Official Skywalk Map, and to extend the duration of said Skywalk Agreement; and

WHEREAS, City and EMC wish to extend the term of the Skywalk Agreement to seventy (70) years; and

WHEREAS, on November 2, 2021, the members of the City’s Urban Design Review Board voted 7-0 to recommend approval of deletion of the Demolished Skywalk Improvements from the Skywalk System Plan Map and the Official Skywalk Map.

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

1. The Seventh Amendment and Supplement to Skywalk Agreement with Employers Mutual Casualty Company is hereby approved.
2. Upon the Legal Department’s approval as to form, the Mayor and City Clerk are hereby authorized and directed to execute and attest to, respectively, the Seventh Amendment and Supplement to Skywalk Agreement on behalf of the City of Des Moines.

★ **Roll Call Number**

Agenda Item Number

_____ **58B**

Date October 24, 2022

3. The City Clerk is hereby directed to proceed with recording the Seventh Amendment and Supplement to Skywalk Agreement with the Office of the Polk County Recorder.

(Council Communication No. 22-497)

MOVED BY _____ TO ADOPT.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| BOESEN | | | | |
| COWNIE | | | | |
| GATTO | | | | |
| SHEUMAKER | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | APPROVED | | | |

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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