

★ Roll Call Number
16-2136

Agenda Item Number
9

Date December 19, 2016

RESOLUTION DIRECTING FURTHER EVALUATION OF REVISED CONCEPT PLANS FOR WINDSOR ELEMENTARY PEDESTRIAN CROSSING, AUTHORIZING REPAIRS OF HOWE AND WINDSOR ELEMENTARY PEDESTRIAN BRIDGES AND AUTHORIZING CITY STAFF TO PROCEED WITH ACQUISITION OF NECESSARY RIGHT OF WAY AND EASEMENTS

WHEREAS, on August 11, 2014, by Roll Call No. 14-1208, the City Council approved a Professional Services Agreement with Shuck-Britson, Inc., to complete a Pedestrian Bridge Structural Evaluation of the pedestrian bridges near Howe Elementary, Park Avenue Elementary, and Windsor Elementary; and

WHEREAS, ten public meetings were held with school, parent, and neighborhood groups to review the evaluation findings and gain input throughout 2016; and

WHEREAS, City staff presented the concept plans to the Des Moines Public Schools School Board on September 20, 2016; and

WHEREAS, the developed concept plans were presented to the City Council of the City of Des Moines, Iowa, on October 24, 2016, that include pedestrian bridge removal and associated enhanced at-grade pedestrian crossing improvements; and

WHEREAS, the City's Engineering Department has determined that it is necessary to acquire property interests in connection with the Howe, Windsor, and Park Avenue School Bridge and Site Improvements Project; and

WHEREAS, on October 24, 2016, by Roll Call No. 16-1808, the City Council approved the Park Avenue Elementary Plan as presented and referred Howe and Windsor Elementary plans to the City Manager for review and recommendation, and to discuss the plans with the Des Moines Public Schools, and to bring back this item at the November 7th Council meeting; and

WHEREAS, on November 7, 2016 by Roll Calls 16-1929 and 16-1930, Council discussed the Pedestrian Crossing Concept Plans for Windsor and Howe Elementary Schools and approved revisions to the concept plan presented on October 24, 2016 for Howe Elementary and Windsor Elementary pedestrian crossings; and

WHEREAS, the City Manager recommends a revised plan for the Howe Elementary and Windsor Elementary pedestrian crossings to be considered by Council; and

WHEREAS, after the design is completed and property interest needs are determined, the proposed Fair Market Value of the property interests to be acquired will be submitted to the City Council or the City Manager, as applicable, for approval and authorization to proceed with acquisitions.

★ **Roll Call Number**

16-2136

Agenda Item Number

9

Date December 19, 2016

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

1. Authorize repairs of the Windsor Bridge to allow the structure to remain in service until 2018. Staff is directed to further evaluate revised concepts at Windsor Elementary.
2. Authorize repairs for the Howe Bridge to allow the structure to remain in service an additional 8-10 years.
3. The project schedule for all three schools will include construction in 2017.
4. That the City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and negotiations to acquire by gift, negotiation, or condemnation the necessary property interests for said project which includes pedestrian crossings at Howe Elementary and Windsor Elementary, subject to approval by this Council, or approval of the City Manager in accordance with Section 2-201 (c) and (d), of the Municipal Code of the City of Des Moines, Iowa, as applicable.
5. That the property will be acquired in accordance with the guidelines of 49 CFR Part 24 of the Uniform Relocation and Real Property Acquisition Act, as revised, and that relocation assistance is hereby authorized.
6. That the Fair Market Value of these parcels will be approved in accordance with established City policy. If the property owners agree to convey the property to the City in an amount based on the established fair market value, including an approved administrative settlement, or if a condemnation award is based on the established fair market value or falls within an approved settlement amount, the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out these transactions and to pay any unforeseen additional costs certified by the Legal Department and the Engineering Department; the Real Estate Division Manager is authorized and directed to complete these transactions in accordance with standard real estate practices and state law requirements.
7. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

★ Roll Call Number
16-2136

Agenda Item Number
9

Date December 19, 2016

8. That the City Clerk is hereby authorized and directed to endorse upon the real estate documents for this Project the approval and acceptance of this Council, the Mayor is authorized and directed to sign all necessary real estate documents, and the City Clerk is further authorized and directed to deliver the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

(Council Communication No. 16- 717)
 Activity ID 04-2017-002

MOVED by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool
 Kathleen Vanderpool
 Deputy City Attorney

Funding Source:

- \$250,000 (estimated) 2016-2017 CIP, Page Bridge-4, City-wide Bridges, BR003

ACE

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE		✓		
WESTERGAARD	✓			
TOTAL	6	1		

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk