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EI-1384  
KB



January 24, 2005

Mrs. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: Surface Transportation Board ("STB") Docket No. AB-6 (Sub-No. 401X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment in Des Moines, Polk County, Iowa

Dear Chief Rutson:

By letter dated December 20, 2004, the STB informed BNSF that the Advisory Council on Historic Preservation ("ACHP") raises concerns regarding portions of rail line in this docket being transferred to the City of Des Moines, Iowa, before BNSF received STB abandonment authority. Within that same letter, the STB requested that BNSF provide certain information by January 10, 2005, so the STB can respond effectively to ACHP. Subsequently, BNSF requested and received an extension until January 24, 2005, to complete verification of information regarding line sales to the City of Des Moines and construction projects involving the new Science Center of Iowa. BNSF now responds to the questions presented.

Briefly, this letter:

1. Details the ownership of the rail line involved in AB-6 (Sub-No. 401X), including a detailed chronology of what ownership transactions have taken place, the parties involved in the transactions, the date of those transactions, and the mileposts involved;
2. Explains that the sale of the rail line noted in item 1, without prior STB approval, is an aberration; assures the Section of Environmental Analysis ("SEA") that BNSF has internal controls to ensure regulatory compliance; advises SEA that the circumstances at issue are extremely rare occurrences, that BNSF has and is reminding its personnel handling line dispositions of the regulatory permitting requirements, and that BNSF utilizes internal processes to ensure regulatory compliance such as requiring formal authority to pursue disposition;
3. Details how there has been extensive Environmental and Historical review of properties involved in the Martin Luther King, Jr. Parkway, dating from July 24, 1987 through the time of completed reports in May, 2003 of the Martin Luther King, Jr. Parkway highway project, involving critical participation of the State Historical Society of Iowa ("SHPO"), ACHP, the Federal Highway Administration and the City of Des Moines, at a cost in excess of \$866,831 (nearly a million dollars);

4. Explains that BNSF has taken several steps in this proceeding to comply with the section 106 process that the Board imposed; and

5. Notes that none of the properties over which the new Science Center of Iowa is being built is over property presently owned by BNSF, over BNSF lines of railroad, or over the trackage sold to the City of Des Moines in 2000 to permit the Martin Luther King Jr. Parkway construction.

### Background

On June 28, 2004, BNSF filed a "Notice of Exemption" to abandon the 1.88 mile Des Moines, IA Trackage (Milepost 67.38 – Milepost 1.45) in STB Docket No. AB-6 (Sub-No. 401X). Subsequently, in a letter dated December 20, 2004, SEA has asked BNSF to address the following:

1. Concerns that portions of rail line at issue in STB Docket No. AB-6 (Sub-No. 401X) were transferred prior to the time that BNSF received abandonment authority from the Board and concerns that lack of public and tribal notification and involvement and ACHP's ability to comment in this undertaking may have been foreclosed.
2. A concern that the environmental conditions recommended by SEA and imposed by the Board in STB Docket No. AB-6 (Sub-No. 401X) might be meaningless if, in fact, BNSF no longer owns the rail line it was proposing to abandon, therefore, possibly undermining the integrity of the Board's abandonment process.
3. The STB asks BNSF for detailed information describing what has occurred regarding ownership of the rail line including a detailed chronology of what ownership transactions have taken place, the parties involved in the transactions, the date of those transactions, and the mileposts involved.
4. Additionally, the STB asks BNSF to provide the steps taken in this proceeding to comply with the section 106 process that the Board imposed including any information on historic sites and structures that have been or may be prepared by BNSF, and tribal consultations and public involvement that have been or may be conducted, and any consultations between BNSF and SHPO. ACHP is specifically interested in information explaining how adverse effects to historic resources have been or may be resolved.

### **Description of the Des Moines, Iowa Trackage:**

The 1.88 mile Des Moines, Iowa Trackage filed for abandonment in this proceeding (AB-6, Sub-No. 401X) is located within two line segments. These line segments are Line Segment 81 which is a 67-mile line that runs from BNSF's main line at Albia, Iowa to Des Moines, Iowa and Line Segment 82 which used to run from Des Moines, Iowa, to Talmadge Junction, Iowa, a distance of approximately 55 miles.

Line Segment 81 is active and connects the city of Des Moines with BNSF's main line to the southeast. Milepost 67.38 to Milepost 68.20 or 0.82 miles of the Des Moines, Iowa Trackage filed for abandonment in this proceeding that is located within Line Segment 81 consists of an easement where a bridge used to go over the Des Moines River, and the vacated Elm Street which has been rebuilt into the Martin Luther King Jr. Parkway.

As noted above, Line Segment 82 previously traversed approximately 55 miles from Des Moines, Iowa, to Talmadge Junction, Iowa. BNSF abandoned most of this line prior to 1971. As pertinent to this proceeding, 1.06 miles of Line Segment 82 from Milepost 0.39 to Milepost 1.45 is located within the Des Moines, Iowa Trackage filed for abandonment in AB-6 (Sub. No. 401X) and consists of portions of trackage north and south of the Raccoon River.

To address the concerns raised by the Board, we have divided the 1.88 mile Des Moines, Iowa Trackage into five parts which run from the east end of the line at Milepost 67.38 to the southwest end of the line at Milepost 1.45. These five parts are described as follows:

Part 1: Milepost 67.38 – Milepost 67.50 or 0.12 miles. This segment extends from the east bank to the west bank of the Des Moines River and consists of an easement for a bridge to cross the river.

Part 2: Milepost 67.50 – Milepost 68.20 or 0.71 miles. There is an equation in this part where Line Segments 81 and 82 meet and this equation is at Milepost 68.20 = Milepost 0.39. This part of the line extends from the west bank of the Des Moines River or the east line of Block 37 to the south line of the westerly extension of Tuttle Street. This part of the line was sold to the City of Des Moines on June 20, 2000, to make way for the Martin Luther King, Jr. Parkway, a six lane divided expressway which opened for traffic in 2002. There is more detailed discussion of this segment in the Discussion section of this letter.

Part 3: Milepost 0.40 – Milepost 0.79 or 0.39 miles. BNSF retains ownership of track and real estate along this segment. This part of the line traverses from the westerly extension of Tuttle Street to the north bank of the Raccoon River and served the former location of PDM Steel which closed in 2001 when it relocated to another area. PDM Steel was served by the Iowa Interstate Railroad through trackage rights over BNSF tracks in this area. PDM Steel was the only customer to use the Des Moines, Iowa Trackage in recent years.

Part 4: Milepost 0.79 – Milepost 0.90 or 0.11 miles. This part of the line extends from the north bank to the south bank of the Raccoon River. Flooding in 1993 heavily damaged the bridge over the Raccoon River and the bridge has been out of service since that time except for a small portion on the north end of the bridge which was used for switching PDM Steel prior to its closing in 2001. This bridge was sold to the City of Des Moines on July 31, 2001. Following an historical review approved by SHPO, the city removed the bridge to prevent future flood damage in the area. On January 15, 2004, Ralph Christian, with SHPO, concurred with the steps the City of Des Moines had taken to address the historical aspects of the Raccoon River Bridge (See Exhibit B). BNSF retained an easement over the Raccoon River to meet potential service needs.

Part 5: Milepost 0.90 – Milepost 1.45 or 0.55 miles. BNSF owns the track and real estate along this segment. This part of the line extends from the south bank of the Raccoon River to the end of the line in the ex-CNW Bell Avenue Yard.

A schematic map of Parts 1-5 is shown as Exhibit A. Parts 1 and 4 are where BNSF has easements to permit rail service are shown in blue. This is where the Des Moines, Iowa Trackage goes over the Des Moines and Raccoon Rivers. Part 2 is the segment which was sold to the City of Des Moines to make way for the Martin Luther King Jr. Parkway and is shown in red. Parts 3 and 5 are where BNSF retains ownership of track and real estate and are shown in black.

## Discussion

### Chronology of Sales of the Des Moines, Iowa Trackage Right of Way:

The Board asks for chronological detail of all BNSF sales of right of way included in the Des Moines, Iowa Trackage filed for abandonment in this proceeding. Part 2 is the only such right of way. Specifically, on June 20, 2000, BNSF sold its ownership in Part 2 to the City of Des Moines to make way for the Martin Luther King Jr. Parkway. BNSF made a second follow-up sale on November 29, 2000, of miscellaneous portions of the right of way that overlapped the June 20, 2000 sale. These sales to the City of Des Moines allowed the City to move forward with the multi-year Martin Luther King, Jr. Parkway project. The parkway opened for traffic in 2002 facilitating vehicular traffic in the area.

BNSF has no record that it retained an easement to continue operations over this portion of line and has no record of STB prior authorization.

We have no explanation as to the aberrant sale to the City of Des Moines. BNSF does have in place internal controls on line dispositions, including abandonments in the ordinary course of business. As part of that process, it is our policy to pursue STB authority, when required, in advance of full and complete dispositions. However, it appears that the unique and complex set of circumstances evolving over the past two decades, involved numerous local, state, and federal officials and internal representatives who may have been less familiar with BNSF's usual line disposition processes. Since the disposition of the Des Moines properties involved a one-of-a-kind landmark federal highway project over a long period of time, the transaction did not seem to arise out of the usual line disposition channels within the company. Moreover, extensive federal, state, and local regulatory involvement may have resulted in understandable, but perhaps misguided, assumptions that the disposition could proceed without benefit of further permitting and environmental and historic review.

We have and are reminding our personnel routinely involved in line disposition matters of regulatory permitting requirements. While we cannot guarantee an error-free process, we can assure SEA that we do have internal controls to trigger regulatory compliance and the circumstances at issue are an extremely rare occurrence.

### Prior Environmental and Historical Reviews

ACHP has indicated that it is specifically interested in information explaining how adverse effects to historic resources have been or may be resolved. As explained further below, ACHP has been very much involved in the Martin Luther King Jr. Parkway project since 1987. Exhibit C, pages 4 and 7 mention ACHP and an officer of ACHP signed Exhibit C in 1987. An ACHP officer also signed Exhibit D which is an amendment to Exhibit C. ACHP is mentioned in Exhibit E, page 1 and an ACHP officer signed Exhibit E (page 4). ACHP is also mentioned in Exhibit F, page 2 as signing a Memorandum of Agreement in 1987 and 1994 concerning the Martin Luther King Jr. Parkway project. Indeed, as noted further below, ACHP and SHPO should be very familiar with the historic and environmental reviews applicable to the parkway project -- they were extensive, costly and included the participation of SHPO here and ACHP, and included an extensive archaeological dig at the Fort Des Moines historic site (Historic Site 13PK61).

As to the details of the environmental and historic reviews, the City of Des Moines hired Earth Tech, Inc. of Des Moines to handle environmental and historic aspects involved with the Martin Luther King Jr. Parkway project. SHPO and ACHP were deeply involved in the review process

of the project and signed documents pertaining to the project. The Federal Highway Administration and the Iowa Department of Transportation were also involved with the project and acted to ensure that environmental and historic issues had been covered.

Earth Tech, Inc. prepared the following historical reports for the Martin Luther King, Jr. Parkway:

1. Geoarchaeological Investigations – Construction Stages VI-XI at the Proposed Martin Luther King, Jr. Parkway, Des Moines, Iowa, dated May 2000, prepared by Great Lakes Archaeological Research Center, Inc.
2. Archaeological Data Recovery for the SE 5<sup>th</sup> Street Portion of the Martin Luther King, Jr. Parkway, Des Moines, Iowa, dated October 1998, prepared by Louis Berger & Associates.
3. Archaeological Data Recovery for the SW 6<sup>th</sup> Street Portion of the Martin Luther King, Jr. Parkway, Des Moines, Iowa, dated July 2000, prepared by Louis Berger & Associates, Inc.
4. Archaeological Data Recovery for the SW 2nd to SE 7th Streets Segment of the Martin Luther King, Jr. Parkway, Des Moines, Iowa, dated May 2003, prepared by The Louis Berger Group, Inc.

The above four reports were extensive and clearly involved participation by SHPO and ACHP. One of the reports is over 500 pages. The cost of the environmental and historical reports and archaeological dig at the historic Fort Des Moines site was in excess of \$866,831. As to the involvement of SHPO and ACHP, they were involved in the Martin Luther King, Jr. Parkway project as early as July 24, 1987 (See Exhibit C, page 7, Memorandum of Agreement between ACHP, the Federal Highway Administration and SHPO included in Earth Tech Report 1). Following that initial Agreement, an Amendment to Memorandum of Agreement was signed by the same three parties in November and December of 1987 (See Exhibit D). An Amended Memorandum of Agreement was signed by the three parties in September 1994 (See Exhibit E, page 4) and a Supplement to Archaeological Stipulation was signed by Douglas W. Jones on behalf of SHPO on March 26, 1998 (See Exhibit F, page 3). Pages 4 and 5 of Exhibit F include minutes of a meeting that included SHPO.

An archaeological Data Recovery Agreement involving the Martin Luther King, Jr. Parkway was signed by the Illinois State Museum Society and Douglas Jones, again on behalf of SHPO on June 8, 1998 (See Exhibit G, page 6). An interim field report was signed by the same two parties later in June, 1998 (See Exhibit H, page 4). Another interim field report was signed by the parties on June 26 and June 29, 1998 (see Exhibit I, page 4) and a third interim field report was signed by SHPO on July 2, 1998 (See Exhibit J, page 4).

An additional Archaeological Data Recovery Agreement involving the Martin Luther King Jr. Parkway project was signed by SHPO on August 28, 1999 (See Exhibit K, page 7).

This makes a total of nine documents concerning historical and archaeological records that the SHPO signed between 1987 and 1999 concerning the Martin Luther King, Jr. Parkway.

In sum, historic concerns for the part of the Des Moines, Iowa Trackage BNSF sold to the City of Des Moines have been addressed over an extended period of time, involving major

expenditures of monies, investigation and reporting, and continuous participation by SHPO and ACHP.

### **STB Environmental Review Processes:**

ACHP and SHPO should note that BNSF has consistently sought to comply fully with all STB environmental and historical regulations when BNSF had reason to believe STB authority was required and that the sale to Des Moines without such authority was an aberration. In this regard, BNSF fully engaged SHPO when gathering necessary information to prepare the Environmental and Historical Reports to accompany the Notice of Exemption filing for AB-6 (Sub-No. 401X). In a letter dated May 3, 2002, from SHPO (see Exhibit J of the Notice of Exemption), SHPO requested additional information of possible historic sites within the area. Subsequently, the STB imposed a condition that BNSF retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. BNSF hired an archaeologist to perform a Section 106 archaeological survey of the BNSF line in AB-6 (Sub-No. 401X); and that archaeologist walked the line with SHPO employee Doug Jones and had discussions with him as related to the line and prepared a Phase IA Reconnaissance report of the line. BNSF mailed a copy of the report to Doug Jones requesting that SHPO provide BNSF with a letter regarding any suggested mitigation or finding of "No adverse Effect" but has received no response. A copy of the letter and report were sent to Kenneth Blodgett, STB - Section of Environmental Analysis.

One final note: BNSF has initiated and completed numerous abandonments in compliance with applicable STB regulations and any divergence that may have occurred in the sales to the City of Des Moines is an aberration -- an aberration BNSF expects to avoid with new internal processes.

### **The New Science Center of Iowa:**

The Science Center of Iowa is presently located at 4500 Grand Avenue in Des Moines. In 2003, the Science Center purchased real estate north of the Martin Luther King, Jr. Parkway for a new location. Construction started on the new Science Center in 2004 and it is expected to open in May 2005. The new Science Center of Iowa is located at 401 Martin Luther King Jr. Parkway. A question had been raised as to the applicability of Section 106 to the construction of The Science Center and determination made that Section 106 did not apply because the Science Center was not using any federal funds for the construction. As detailed below, none of the properties over which the new Science Center of Iowa is being built is over property presently owned by BNSF or over the trackage sold to the City of Des Moines in 2000 to permit the Martin Luther King Jr. Parkway construction.

Specifically, Exhibit L shows that the new Science Center is bounded by the Martin Luther King, Jr. Parkway on the south, 3<sup>rd</sup> Street on the east, 5<sup>th</sup> Street on the west and real estate north of Market Street on the north (See Exhibit L). The new location of the Science Center of Iowa is outlined in wide black lines in Exhibit L and, as noted above, partially sits on former BNSF property sold to the Nesbit Distributing Company between 1961 and 1984 (shown in blue) and to the Gilcrest Jewitt Lumber Company in 1988 (shown in red) that were parts of Block 18 and Block 27, respectively. More specifically, the Nesbit sales in Block 18 consisted of Lots 1,2,3,6 and 7 and the northerly 28.35 feet of Lots 4 and 5. The Gilcrest sales in Block 27 (red) consisted of Lots 1,2,5,6 and the northerly 25 feet of Lots 3 and 4. These parcels were acquired by the City of Des Moines and later conveyed to the Science Center of Iowa.

The southerly 20 feet of Lots 4 and 5 (yellow) had been previously sold to ANT, L.L.C. in February 1998 for parking (See Exhibit M). The middle 16.65 feet of Lots 4 and 5 (Green) were sold to the City of Des Moines in June 2000 to make way for the Martin Luther King Jr. Parkway as were the lower 40 feet of lots 3 and 4 of Block 27; and none of this property involves the new Science Center. (See also Exhibit N).

**Summary:**

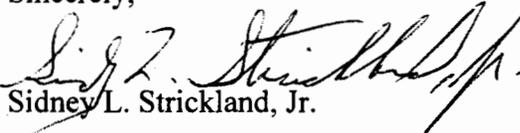
A part of the right of way of the Des Moines, Iowa Trackage (Milepost 67.50 – Milepost 0.40 or 0.71 mile) was sold prior to receiving abandonment authority from the STB and without retaining an operating easement. However, there have been extensive environmental and historical reviews of the property involved in the Martin Luther King, Jr. highway project. Indeed, Earth Tech, Inc. and its subcontractors have completed an extensive historical review. The historical review had the concurrence and participation of SHPO, ACHP and others. The lengthy and costly process and time frame have provided SHPO, ACHP and the public, including tribes, ample time and opportunity to participate in and be involved in the part of the Des Moines, Iowa Trackage that was sold to the City of Des Moines to ensure environmental and historical factors were met.

We have also looked into issues concerning the new location of the Science Center of Iowa and have found that the new Science Center is not located on the trackage sold to the City of Des Moines or any other properties presently or previously owned by BNSF that would be subject to STB jurisdiction.

Finally, BNSF has no explanation as to the aberrant sale to the City of Des Moines without prior STB approval. BNSF does have in place internal controls on line dispositions, including abandonments. As part of that process, it is our policy to pursue STB authority, when required, in advance of full and complete dispositions and will continue to do so. We have and are reminding our personnel routinely involved in line disposition matters of regulatory permitting requirements. While we cannot guarantee an error-free process, we can assure SEA that we do have internal controls to trigger regulatory compliance and the circumstances at issue are an extremely rare occurrence.

If you have any questions or need further clarification, please contact me at (202) 347-8667.

Sincerely,



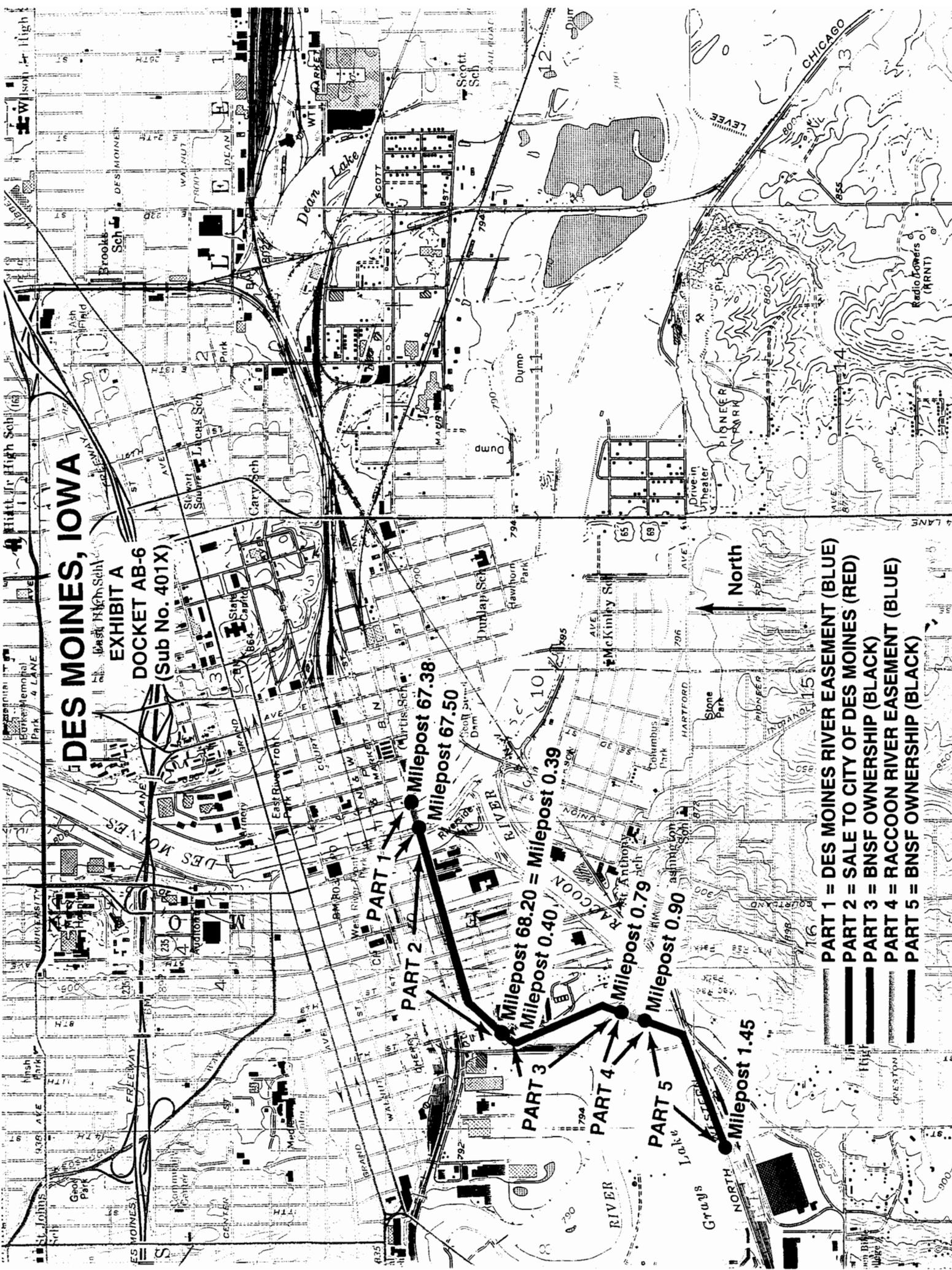
Sidney L. Strickland, Jr.

cc: James Gallegos  
Sarah Bailiff  
Richard Batie  
Randy Acosta  
John Sims

# DES MOINES, IOWA

## EXHIBIT A

DOCKET AB-6  
(Sub No. 401X)



- PART 1 = DES MOINES RIVER EASEMENT (BLUE)
- PART 2 = SALE TO CITY OF DES MOINES (RED)
- PART 3 = BNSF OWNERSHIP (BLACK)
- PART 4 = RACCOON RIVER EASEMENT (BLUE)
- PART 5 = BNSF OWNERSHIP (BLACK)

JAN 20 2004



# Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010-6993

515-239-1215, FAX 239-1726

January 15, 2004

Ref.No. NHSX-U-2787(312)-8S-77  
STP-U-2787(3)-70-77  
City of Des Moines  
Polk County

R&C# 8707 77 000

Mr. Ralph Christian  
Review and Compliance  
State Historical Society of Iowa  
600 East Locust  
Des Moines, IA 50319-0290

Dear Ralph:

RE: IA Inventory No. 77-10223, C.B.&Q. RR bridge #89

Contact prints for black/white photographs, color copies of corresponding Kodachrome slide views; and a draft site plan for the above -referenced railroad bridge were previously transmitted to you in a separate mailing from Tallgrass Historians, L.C.

If you agree that those materials meet the requirement of the bridge-study format and provide all needed field data for completion of the bridge documentation so that the structure may be removed, please indicate concurrence by your signature below.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Randall B. Faber".

Randall B. Faber  
Office of Location and Environment  
randall.faber@dot.state.ia.us

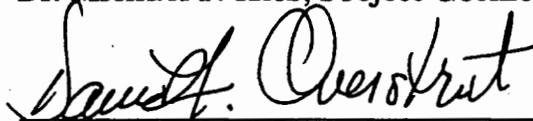
Concur \_\_\_\_\_  
Comments: \_\_\_\_\_

Date

Jan 27, 2004

Geoarchaeological Investigations –  
Construction Stages VI-XI – at the Proposed  
Martin Luther King, Jr. Parkway,  
City of Des Moines, Polk County, Iowa

Prepared By: Dr. David F. Overstreet, Principal Investigator  
Mr. Michael M. Gregory, Historical Archaeologist/Historian  
Dr. Rolfe D. Mandel, Project Geomorphologist  
Dr. Michael F. Kolb, Project Geomorphologist



Principal Investigator: David F. Overstreet, Ph.D., President  
Great Lakes Archaeological Research Center, Inc.  
P.O. Box 170767  
Milwaukee, WI 53217  
(414) 276-9791

Prepared For: Earth Tech  
501 Sycamore Street, Suite 222  
P.O. Box 1497  
Waterloo, Iowa 50704-1497  
ATTN: Ms. Brenda J. Durbahn

GLARC Project 98.027  
GLARC ROI #462  
R & C #870777000

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May 2000

## Management Summary

During November 1999 - April 2000 Great Lakes Archaeological Research Center, Inc. conducted landuse history research, geoarchaeological and geomorphological fieldwork and data analyses pursuant to Construction Stages VI-XI of the proposed Martin Luther King, Jr. Parkway. The compiled information was directed to making assessments and recommendations for future data recovery needs. The collective data foster the following recommendations: (1) implementation of data recovery operations, consistent with the project MOA and its amendments and stipulations, at Construction Stage VII; and (2) target-specific monitoring at Construction Stages VI, VIII, IX, and XI. No additional cultural resources investigations are recommended for Construction Stage X. These recommendations are generated from data compiled from prefield library-based studies, fieldwork, and subsequent laboratory analyses. Specifically, the recommendations are based on the information provided from analyses of landuse history, soil morphology, landscape position, and presence or absence of archaeological materials, all of which are collectively expressed in this report as "geologic potential for encountering in-situ historic and/or prehistoric archaeological deposits." Finally, two post-construction recommendations are presented. These include: (1) completion of subsurface investigation data base and transmittal of this document to Iowa SHPO and the City of Des Moines for planning purposes; and (2) execution and filing of a formal site record for 13 Pk 61.

**APPENDIX A:  
MEMORANDUM OF AGREEMENT, AMENDMENTS, AND STIPULATIONS,  
PROPOSED MARTIN LUTHER KING, JR. PARKWAY, DES MOINES, IOWA**

Advisory  
Council On  
Historic  
Preservation

EXHIBIT C  
DOCKET AB-6  
(Sub No. 401X)  
PAGE 4 OF 7

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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MEMORANDUM OF AGREEMENT

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Des Moines CBD Loop Arterial Project will have an effect upon properties included in and eligible for inclusion in the National Register of Historic Places, and has consulted with the Iowa State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f),

NOW, THEREFORE, FHWA, the Iowa SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

FHWA will ensure that the following measures are carried out.

I. MARKETING

A. Prior to any relocation or clearance activities, the following properties will be made available to the public for purchase and relocation within the Sherman Hill Historic District or other sites approved by the Iowa SHPO.

1. Clifton Heights United Presbyterian Church,  
1218 Indanola Road
2. Capital City Woolen Mills, 113 S.W. 8th Street
3. Contributing Buildings - Sherman Hill Historic District
  - a. 924-926 19th Street
  - b. 934-936 19th Street
  - c. 940 19th Street

- d. 944 19th Street
- e. 1905-1907 Cottage Grove Avenue
- f. 1909 Cottage Grove Avenue
- g. 1920 Cottage Grove Avenue
- h. 1919 Crocker Street
- i. 1936 Crocker Street
- j. 810 Harding Road
- k. 814 Harding Road
- l. 828 Harding Road
- m. 832 Harding Road
- n. 835 Harding Road
- o. 836 Harding Road
- p. 855 Harding Road
- q. 856 Harding Road
- r. 860 Harding Road
- s. 2004 Leyner Street
- t. 2005 Leyner Street
- u. 2008 Leyner Street
- v. 2015 Woodland
- w. 2019 Woodland

The cost of obtaining the properties will be \$1. A marketing plan which provides for the advertisement of the properties for a period of 45-days will be developed in consultation with the Iowa SHPO.

B. FHWA will forward proposals for the relocation of properties to the Iowa SHPO for review and comment within a 30-day period. The comments of the Iowa SHPO will be taken into account prior to the approval of proposals.

C. FHWA will ensure that properties are moved in accordance with the recommended approaches in the Department of Interior's publication, "Moving Historic Buildings," in consultation with the Iowa SHPO, by a professional mover who has the capability to move historic properties properly. FHWA will offer to reimburse the new owners an amount equal to the estimated cost of demolition of the property to assist in defraying the cost of the move.

D. Within 90 days of the move, the Iowa SHPO will reevaluate the property on its new site and make a recommendation to the Secretary of the Interior as to its continued inclusion in the National Register.

E. Prior to the relocation of any property, it will be documented as specified in Stipulation II below.

F. FHWA may demolish those properties for which marketing proves unsuccessful following the completion of Stipulation II below.

## II. DOCUMENTATION

Prior to the demolition or relocation of the properties listed in Stipulation I.A. above, the properties will be recorded so that

there will be a permanent record of their existence. The National Park Service (Historic American Buildings Survey (HABS), Rocky Mountain Region, P.O. Box 25287, Denver, CO 80225, (03-236-8675) will be contacted to determine the level of documentation required. All documentation must be accepted by HABS and the Iowa SHPO and the Council notified of that acceptance prior to demolition or relocation. FHWA will provide copies of this documentation to the Iowa SHPO, the Des Moines Historic Preservation Commission and the Iowa Department of Transportation.

### III. SALVAGE

Prior to the demolition or relocation of the properties listed in Stipulation I.A., the Iowa SHPO or his designee will be allowed 30 days to select significant architectural elements for curation or use in other projects. FHWA will carefully remove these elements and will convey them to the Iowa SHPO or his designee.

### IV. LANDSCAPING AND NEW DEVELOPMENT

Plans for development, landscaping or grading adjacent to the Sherman Hill Historic District will be prepared in consultation with the Iowa SHPO and the Des Moines Preservation Commission. Final plans will be submitted to the Iowa SHPO for review and approval.

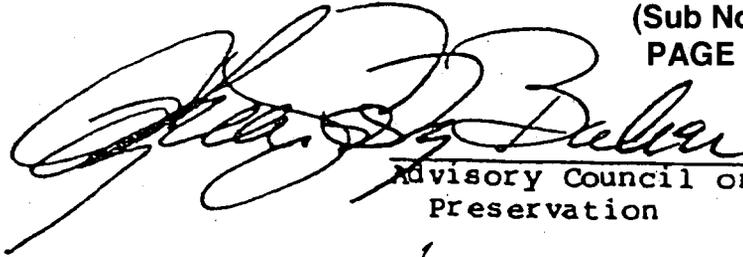
### V. ARCHEOLOGY

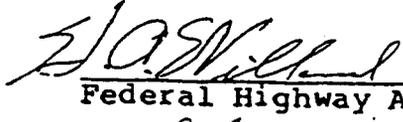
Upon the acquisition of right-of-way and/or demolition or relocation of properties within the project boundaries, including the Riverside Park area and the 15th Street-Tuttle Street Extension, FHWA will conduct additional archeological testing taking into account the professional standards identified in the Council's Manual on Mitigation Measures, and in consultation with the Iowa SHPO. If archeological sites are identified which in the opinion of the Iowa SHPO may be eligible for inclusion in the National Register, a data recovery plan will be developed in accordance with the Council's handbook, Treatment of Archeological Properties, and in consultation with the Iowa SHPO. Data recovery plans will be forwarded to the Iowa SHPO for review and approval within a 15-day period.

### VI. MONITORING

FHWA will forward a status report summarizing actions taken to implement the provisions of this Agreement to the Iowa SHPO and the Council bi-annually. The reports will be due in June and December of each calendar year until the Des Moines CBD Loop Arterial Project is completed.

Execution of this Memorandum of Agreement evidences that FHWA has afforded the Council an opportunity to comment on the Des Moines CBD Loop Arterial Project and its effects on historic properties, and that FHWA has taken into account the effects of the project on historic properties.

 (date) 10 July 87  
Advisory Council on Historic  
Preservation

 (date) 7/20/1987  
Federal Highway Administration

 (date) 7/29/87  
Iowa State Historic Preservation  
Officer

AMENDMENT TO MEMORANDUM OF AGREEMENT

Project M-2787(1)  
CBD Loop Arterial  
Des Moines, Iowa

EXHIBIT D  
DOCKET AB-6  
(Sub No. 401X)

WHEREAS, the FHWA, the Iowa SHPO and the ACHP have determined that the construction of the CBD Loop Arterial will have an effect on a property listed on the National Register of Historic Places and which was not included in the MOA executed by the Council on July 10, 1987; and

WHEREAS, the Final EIS for this project has demonstrated that use of the Sam Cohen parkland cannot be avoided and that relocation of the Water Trough, a historic property located therein, is appropriate;

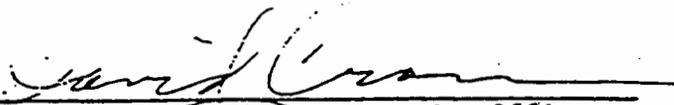
NOW THEREFORE, the FHWA, the Iowa SHPO and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulation and that the MOA is amended accordingly:

Stipulation

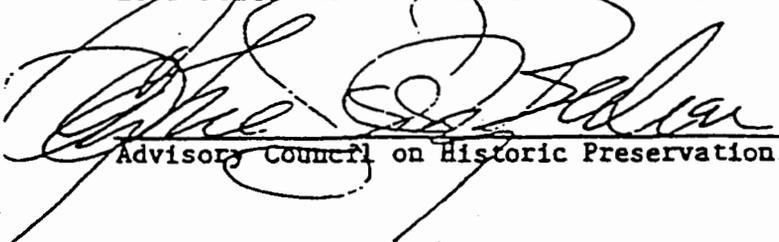
1. The Sam Cohen park will be relocated and reconstructed at another location in the neighborhood. The replacement will be determined in consultation with the Des Moines Parks and Recreation Board,
2. The Water Trough will be moved to the relocated park. The location, site plan and movement procedures will be coordinated with the Iowa SHPO and NPS,
3. The Keeper of the Register will be advised of the relocation of the historic property which will remain a Des Moines Landmark.

  
\_\_\_\_\_  
Federal Highway Administration

11/25/87  
Date

  
\_\_\_\_\_  
Iowa State Historic Preservation Officer

11/25/87  
Date

  
\_\_\_\_\_  
Advisory Council on Historic Preservation

21 Dec 87  
Date

**Advisory  
Council On  
Historic  
Preservation**

**EXHIBIT E  
DOCKET AB-6  
(Sub No. 401X)  
PAGE 1 OF 4**

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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**AMENDED MEMORANDUM OF AGREEMENT  
DES MOINES CBD LOOP ARTERIAL PROJECT**

WHEREAS, the Federal Highway Administration (FHWA) has determined that implementation of the Des Moines Loop Arterial Project will have an effect upon the Sherman Hill Historic District, a property included in the National Register of Historic Places (Register), and Clifton Heights United Presbyterian Church and Capital City Woolen Mills, properties eligible for inclusion in the Register, and has consulted with the Iowa State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, the parties entered into a Memorandum of Agreement which stipulated the measures by which FHWA was to take into account the effects of the Des Moines CBD Loop Arterial Project on historic properties on July 10, 1987; and

WHEREAS, during the intervening years since the original agreement was executed and the project was funded, the properties at 1920 Cottage Grove Avenue, 1919 Crocker Street, 814, 836, and 856 Martin Luther King, Jr. Parkway, and 2004 Leyner Street have been demolished through private action prior to June, 1993; and

WHEREAS, during the intervening years since the original agreement was executed and the project was funded, the properties at 810, 828, and 832 Martin Luther King, Jr. Parkway have deteriorated until they are no longer retain the structural integrity necessary for relocation; and

WHEREAS, the name of Harding Road listed in the original agreement has been changed to Martin Luther King, Jr. Parkway;

NOW, THEREFORE, the FHWA, the Iowa SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

I. **MARKETING**

A. Prior to any relocation or clearance activities, the following properties will be made available to the public for purchase and relocation within the Sherman Hill Historic District or other sites approved by the Iowa SHPO:

1. Clifton Heights United Presbyterian Church, 1218 Indianola Road
2. Capital City Woolen Mills, 113 S.W. 8th Street
3. Sherman Hill Historic District, contributing buildings
  - a. 924-926 19th Street
  - b. 934-936 19th Street
  - c. 940 19th Street
  - d. 944 19th Street
  - e. 1905-1907 Cottage Grove Avenue
  - f. 1909 Cottage Grove Avenue
  - g. 1936 Crocker Street
  - h. 835 Martin Luther King, Jr. Parkway
  - i. 855 Martin Luther King, Jr. Parkway
  - j. 860 Martin Luther King, Jr. Parkway
  - k. 2005 Leyner Street
  - l. 2008 Leyner Street
  - m. 2015 Woodland
  - n. 2019 Woodland

The cost of obtaining the properties will be \$1. A marketing plan which provides for the advertisement of the properties for a period of 45 days will be developed in consultation with the Iowa SHPO.

B. FHWA will forward proposals for the relocation of properties to the Iowa SHPO for review and comment. The Iowa SHPO shall have 30 days from receipt of the proposals in which to provide their comments to the FHWA. The comments of the Iowa SHPO will be taken into account prior to the approval of proposals.

C. FHWA will ensure that properties are moved in accordance with the recommended approaches in the Department of Interior publication, "Moving Historic Buildings", in consultation with the Iowa SHPO, by a professional

mover who has the capability to move historic properties properly. FHWA will offer to reimburse the new owners an amount equal to the estimated cost of demolition of the property to assist in defraying the cost of the move.

D. Within 90 days of the move, the Iowa SHPO will reevaluate the property on its new site and make a recommendation to the Secretary of the Interior as to its continued inclusion in the National Register.

E. Prior to the relocation or demolition of the properties listed above, each will be documented as specified in Stipulation II below.

F. FHWA may demolish those properties for which marketing proves unsuccessful following the completion of Stipulation II below.

G. The properties located at 810, 828, and 832 Martin Luther King, Jr. Parkway no longer retain the structural integrity for relocation and may be demolished after completion of Stipulation II below.

## II. DOCUMENTATION

Prior to their demolition or relocation, the properties listed in Stipulations I.A and I.G above will be recorded so that there will be a permanent record of their existence. The National Park Service, Historic American Buildings Survey (HABS), Rocky Mountain Region, P. O. Box 25287, Denver, CO 80225, will be contacted to determine the level of documentation required. All documentation must be accepted by HABS and the Iowa SHPO and the Council notified of that acceptance prior to relocation or demolition. FHWA will provide copies of this documentation to the Iowa SHPO, the Des Moines Historic Preservation Commission and the Iowa Department of Transportation.

## III. SALVAGE

Prior to the demolition or relocation of the properties listed in Stipulations I.A and I.G, the Iowa SHPO or his designee will be allowed 30 days to select significant architectural elements for curation or use in other projects. FHWA will ensure that selected elements are removed in a manner that minimizes harm and conveyed with legal title to the Iowa SHPO or his designee.

## IV. LANDSCAPING AND NEW DEVELOPMENT

Plans for development, landscaping, or grading adjacent to the Sherman Hill Historic District will be prepared in consultation with the Iowa SHPO and the Des Moines Preservation Commission. Final plans will be submitted to the Iowa SHPO for review and approval.

V. ARCHEOLOGY

Upon acquisition of right-of-way and/or demolition or relocation of properties within the project boundaries, including the Riverside Park area and the 15th Street-Tuttle Street Extension, FHWA will conduct additional archeological testing taking into account the professional standards identified in the Secretary of the Interior's Standards for Archeology, and in consultation with the Iowa SHPO. If archeological sites are identified which in the opinion of the Iowa SHPO may be eligible for inclusion in the National Register, a data recovery plan will be developed and implemented in accordance with the Council's handbook, Treatment of Archeological Properties, and in consultation with the Iowa SHPO. Data recovery plans will be submitted to the Iowa SHPO for review and approval prior to implementation. The Iowa SHPO shall have 15 days from receipt of the plans in which to make their comments.

VI. MONITORING

FHWA will forward a status report summarizing actions taken to implement the provisions of this Agreement to the Iowa SHPO and Council bi-annually. The reports will be due in June and December of each calendar year until the Des Moines CBD Loop Arterial Project is completed.

Execution of this Amended Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an opportunity to comment on the Des Moines CBD Loop Arterial Project and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: Robert A. Willard Date: 9/20/94

IOWA STATE HISTORIC PRESERVATION OFFICER

By: David L. [Signature] Date: 9/27/94

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert A. [Signature] Date: 9/14/94



U.S. Department  
of Transportation

Federal Highway  
Administration

EXHIBIT F  
DOCKET AB-6  
(Sub No. 401X)  
PAGE 1 OF 5

Region 7  
Iowa, Kansas  
Missouri, Nebraska

Iowa Division  
105 Sixth Street  
Ames, Iowa 50010-6337  
Internet Address:  
[Iowa.FHWA@fhwa.dot.gov](mailto:Iowa.FHWA@fhwa.dot.gov)

April 6, 1998

Ms. Brenda Durbahn  
RUST Engineering and Infrastructure Inc.  
P. O. Box 1497  
Waterloo, IA 50704-1497

Dear Ms. Durbahn:

Enclosed is the *Supplement to Archeological Stipulation V in 1987/1994 MOA* for the MLKing project in Des Moines. Mr. Doug Jones, SHPO Archeologist, approved this document on March 26, 1998. The intent was to have this approved sooner, but the original was misplaced in the postal system.

This supplement stipulates all those actions which must occur as part of the process of archeological investigation and recovery in the area of historic Ft. Des Moines. Prior to SHPO approval, this supplement was reviewed and discussed by the city of Des Moines, the Iowa DOT, this office, and various city consultants. All parties will be held to the terms of this agreement.

I encourage all participants to maintain effective communication channels, to continue working together, and to resolve issues promptly. There are many players involved and the issues can be complicated, so teamwork is important. I will stay informed of project activities and am willing to assist in any matters if the need arises.

Sincerely yours,

Michael S. Schweyen  
Environmental Program Engineer

Enclosure

M.L.King - City of Des Moines

*Supplement to Archeological Stipulation (V) in 1987/1994 MOA*

The purpose of this memorandum is to document agreements reached on the cultural resource aspects of this project. These agreements are the result of several past coordination meetings between the City and the Iowa State Historical Society. The most recent meeting was held in the office of the State Historical Society in Des Moines on September 2, 1997. These agreements further develop the stipulations of the Memorandum of Agreement (MOA) for this project signed by FHWA and ACHP in 1987 and amended in 1994. This MOA states that:

Upon the acquisition of right-of-way and/or demolition or relocation of properties within the project boundaries, including the Riverside Park area and the 15th Street-Tuttle Street Extension, FHWA will conduct additional archaeological testing taking into account the professional standards identified in the Council's Manual on Mitigation Measures, and in consultation with the Iowa SHPO. If archaeological sites are identified which in the opinion of the Iowa SHPO may be eligible for inclusion in the National Register, a data recovery plan will be developed in accordance with the council's handbook, Treatment of Archaeologic Properties, and in consultation with the Iowa SHPO. Data recovery plans will be forwarded to the Iowa SHPO for review and approval within a 15-day period.

**General Approach**

The agreed-upon general approach to carry out the intent of the MOA is:

- No additional Phase 2 testing will be required for this project.
- In areas where geomorphological field study shows that the buried historic or prehistoric surface is below the depth required for construction, no archaeological testing or data recovery will be required.
- Data recovery work will be conducted in all locations where project construction will intercept the historic or prehistoric surface.
- Data recovery will not be required beyond the vertical or horizontal limits of construction.
- If the edge of a historic or prehistoric feature juts into the outer limits of the construction trench, it will not need to be further exposed or studied beyond the limits of the trench.
- Data recovery plans will assume that each area is archaeologically rich and stipulate excavation within the intercepted historic and prehistoric surfaces.
- Boundaries for the fort and associated buildings cannot be determined from existing information. Evidence for presence of 1840s usage exists as far west as South 9th Street, but could easily be west of this. All of the east-west segment and connectors will be considered in the study.

### Data Recovery Plan Approach

The agreed-upon approach to the data recovery plan will include the following steps:

- Determine the elevations of the buried historic and prehistoric surfaces throughout the footprint of the project construction. A geomorphologist will examine soil cores and test trench walls to determine these elevations.
- Compare these elevations to the elevations on the construction plans and profiles for the project.
- Prepare data recovery plans for all areas where construction will intercept these historic or prehistoric surfaces.
- The overburden, as identified by the project geomorphologist, may be removed by mechanical stripping.
- Hand excavate and screen soils located at and below the buried surfaces.
- The data recovery may be terminated at a site if the State Historical Society agrees that significant information is not being retrieved.

### RFQ and Contractor Selection Procedures

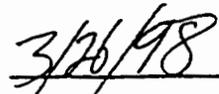
The procedures for preparing data recovery plans, RFQs and selecting archaeological contractors to do the field work will include:

- State Historical Society staff will review and comment on each data recovery plan.
- The RFQ will state that only archeologists experienced in urban archaeology and mid-19th century archaeology in the Midwest should apply. A sample of previous work and a list of references will be requested. The city may develop a short list of qualified urban archaeologists to receive the RFQ.
- State Historical Society staff will provide input on adequacy of each archaeological contractor that submits of the work. Comments will be limited to commenting as to whether or not the contractor meets the minimum National Park Service qualifications for this type of work.
- Rating criteria for selection of contractor will consider professional qualifications and cost. A numerical rating system may be used.
- State Historical Society staff will review and comment on the rating criteria that the City proposes to use for rating proposals.

The Federal Highway Administration, Iowa DOT, City of Des Moines, Dr. David Overstreet, and Dr. Dale Henning have reviewed this information and their comments are incorporated into this current version. This document, as it now stands, is acceptable to FHWA, Iowa DOT, and the City of Des Moines.

CONCUR

  
Mr. Doug Jones, Archeologist - State Historical Society of Iowa

  
Date

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(Sub No. 401X)  
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Minutes of 5/21/98 - 1:00 P.M. Meeting with Iowa SHPO.

In attendance: Ms. Brenda Durbahn (Rust E&I), Mr. Doug Jones (Iowa SHPO),  
Mr. David Overstreet (Great Lakes Archaeological Research Center).

Subject: Construction staging of the MLK Parkway and Section 106 Consultation.

Durbahn/Overstreet reviewed the construction staging for the MLK Parkway with Jones and the relationship of that staging on Section 106 issues.

Jones noted that we should continue to utilize the existing compliance number on all reports and correspondence for the project.

Durbahn/Overstreet agreed to attempt to minimize the number of specific review and comment items. They noted that the first submittal would include data from the geoarchaeological investigations at Tuttle Street, the Storm Sewer south of Market Street between SW 14th and 16th Streets, the SW 6th-7th Street configuration, and several buildings identified by SHPO along Tuttle between SW 6th and SW 9th Streets.

Overstreet summarized the results of soil coring w/Geoprobe and backhoe trenches at Tuttle, Market/SW 14th-16th Streets, and SW 6th/7th Streets. Because of subsurface exploration results, Overstreet indicated that he did not believe any recovery operations were warranted at Tuttle and Market, and that only historic period archaeological sites would be encountered at SW 6th-7th Streets.

Jones identified appropriate documentation requirements to be submitted as part of geoarchaeological reports to justify conclusions that recovery operations would not be appropriate. If he concurs with the report conclusions, monitoring of construction would be an acceptable requirement in lieu of recovery operations.

Discussion centered around the complexity of cuts and fills in the Des Moines urban contexts and the difficulty of extrapolating subsurface conditions over any broad horizontal reach. Jones cited the geoarchaeological exploration results as an important tool for future use by the City as well as by SHPO for future development

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projects in the Ft. Des Moines No. 2 locality. It was agreed that Overstreet/Durbahn would compile all subsurface data collected to date (Phase I, Phase II) and additional data to be collected during the course of the on-going investigations. In turn, these would be plotted on the detailed project mapping (scale of 2"=100m) with a brief tabular summary of sequentially numbered back-hoe trenches, cores, and boring logs. Final copies would be provided to the City of Des Moines and to Iowa SHPO.

The meeting was adjourned at 2:00 P.M.

Respectfully Submitted,



Brenda J. Durbahn  
Rust Environment & Infrastructure, Inc.

**ARCHAEOLOGICAL DATA RECOVERY  
FOR THE SW 5TH STREET PORTION OF THE  
MARTIN LUTHER KING, JR. PARKWAY**

**DES MOINES, IOWA**

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*Prepared for:*

CITY OF DES MOINES, IOWA

and

RUST ENVIRONMENT & INFRASTRUCTURE INC.  
500 SW 7<sup>th</sup> Street, Suite 301  
Des Moines, Iowa 50309-4506

*Prepared by:*

THE CULTURAL RESOURCE GROUP  
LOUIS BERGER & ASSOCIATES, INC.  
950 50<sup>th</sup> Street  
Marion, Iowa 52302

October 1998

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EXHIBIT G  
DOCKET AB-6  
(Sub No. 401X)  
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ABSTRACT

The Cultural Resource Group of Louis Berger & Associates, Inc., has completed archaeological data recovery for the SW 5<sup>th</sup> Street storm sewer portion of the Martin Luther King, Jr. Parkway construction project. This work was performed on behalf of the City of Des Moines, with project coordination provided by Rust Environment & Infrastructure, Des Moines, Iowa. The project area encompasses a one-block section of SW 5<sup>th</sup> Street, between West Tuttle and West Elm streets, in the City of Des Moines, near the confluence of the Des Moines and Raccoon rivers. The present investigation consisted of limited historical and cartographic research followed by subsurface investigations within the project area.

The excavations revealed that four fill episodes occurred between 1903 and 1907 south of West Elm Street to raise the terrace edge about 2.5 meters (8 feet). The alluvial fill contained few artifacts, and most of them were in the layers of compacted cinders placed at the top of each fill episode to provide a well-drained surface while the fill settled, probably over winter. Also uncovered were utility trenches for modern gas and electrical lines and water and sewer mains from the late nineteenth and early twentieth centuries. A boardwalk was found at the intersection of SW 5<sup>th</sup> and West Elm streets that predates the filling and paving of the streets. While no evidence of intact prehistoric archaeological deposits or historic remains associated with Fort Des Moines No. 2 was encountered in the SW 5<sup>th</sup> Street excavations, the results of the project show that intact archaeological features associated with the development of Des Moines may be found despite 140 years of historic occupation.

**RUST Rust Environment & Infrastructure Inc.**

A Rust International Company  
500 SW 7th Street, Suite 301  
Des Moines, IA 50309

Phone 515.244.1470  
Fax 515.244.4803

June 8, 1998

Mr. Harold Smith  
City of Des Moines  
400 East First Street  
Des Moines, Iowa 50309

Re: Des Moines MLK Jr. Parkway  
5<sup>th</sup> Street Storm Sewer Archaeological Data Recovery  
W.O.0201-79-002  
REI Job ID No. 102639

Dear Mr. Smith:

Enclosed find the summary of results for the first stage of data recovery for the 5<sup>th</sup> Street Storm Sewer. The results of this work recovered no archaeological artifacts except for a brick shaft feature. This feature will be preserved in place.

The attached memo includes the concurrence from Doug Jones, SHPO. This allows construction to continue unimpeded.

If you have any questions or require additional information, please contact our office.

Sincerely,



Brenda Durbahn

Enclosures: As Noted

c: Gary Fox, City of Des Moines (w/enclosures)  
Floyd Bentz, City of Des Moines (w/enclosures)  
Gene Schmidt, City of Des Moines (w/enclosures)  
Randy Faber, IDOT (w/enclosures)  
Gary Hood, IDOT (w/enclosures)  
Mike Schweyen, FHwy (w/enclosures)  
Randy Withrow, Louis Berger (w/enclosures)  
Mike Bearden, REI

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INTERIM FIELD REPORT  
MLK PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
5TH STREET STORM SEWER  
CITY OF DES MOINES, IOWA

TO: Brenda Durbahn, Rust Environment and Infrastructure, Inc.

FROM: Randy Withrow, Louis Berger & Associates, Inc., Marion, Iowa

DATE: June 8, 1998

SUBJECT: Field Report for Completion of Stage I

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed field investigations in the Stage I portion of the 5<sup>th</sup> Street SW project area. This segment of the storm sewer is located at the south end of the construction trench and extends from the south edge of Tuttle Street (Sta. 512.632) north approximately 67 meters to a point just south of the alley separating 319 and 325 5<sup>th</sup> Street SW (Sta. 512.700). No intact soils were encountered within the southern-most 12-meter segment of the construction trench, and no intact archaeological deposits were encountered in exposed soils within the construction trench north of this point. One historic shaft feature constructed of dry-laid brick was partially exposed in the east wall at the north end of the Stage I trench, but was not excavated since it is located primarily within the trench wall and will not be affected by the installation of the sewer line or other utilities. Berger recommends that this feature be preserved in place.

Field Methods and Results

Stage I field investigations were initiated on Tuesday, June 2, 1998. Work was completed during June 2-8, 1998 by a four-person team of Berger archaeologists consisting of Field Supervisor Henry Holt, Crew Chief Laura Elsinger, and Field Archaeologists David Gilmour and Delland Gould. Initial field tasks included recording elevations for the pre-excitation surface and excavating street fill from the construction trench to define the interface horizon separating modern fill from native soil. All machine excavations were conducted using a Komatsu excavator equipped with a three-cubic yard bucket.

The soil borings recorded in February 1998 by StrataMorph, Inc. were used to estimate the depth of the underlying native soil throughout the Stage I trench. As the excavator approached the target depth a two-inch diameter soil probe was used to penetrate the remaining fill and estimate the precise depth to the interface. Modern fill was removed throughout the construction trench to within approximately 10 centimeters of the interface to insure that the underlying deposits were not unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were

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Stage I Field Report  
June 8, 1998  
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located at five-meter intervals along the centerline of the trench. Each shovel test pit (STP) was labeled according to its location within the trench (e.g., #675 for Station 512.675). Each STP measured 50x50 centimeters and was excavated as a square unit by natural strata in order to permit clear identification of the vertical location of any potential archaeological deposits within the trench. A standard excavation size was used in order to control for volume-related variation in artifact frequency results within the trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through ¼-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g., color, texture), inclusions, and the presence of potential artifacts, cultural features or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the west wall profile was carefully mapped and measured for elevation in order to permit an accurate reconstruction of the terrace surface throughout the corridor. A series of profile drawings were completed at not less than 10-meter intervals along the walls of the construction trench to identify and map the primary fill layers represented in the modern fill.

The modern fill/native soil interface is exposed above the bed of the construction trench between Stations 512.653 and 512.672 and Stations 512.678 to 512.694. However, in two segments of the trench the depth to native soil is below the total depth needed for the construction trench and will not be affected by sewer line construction. These two segments are located at the extreme south end of the Stage I corridor (between stations 512.632 and 512.653) where the native soil exists approximately 70 centimeters below the bed of the construction trench and between stations 512.672 and 512.678 where there appears to be a depression in the interface surface presumably created by the installation of previous utilities. Throughout the rest of the trench the interface with the native soil rises gradually to the north.

A total of 11 STPs were positioned within the trench. Nine of these were excavated with two test pits left unexcavated due to their location in areas where the bed of the construction trench was confirmed to be in modern fill. The depth of each individual STP was variable according to the elevation of the interface above the estimated bed of the construction trench. The deepest STP was excavated to a maximum depth of 130 centimeters below the interface surface. STP excavations revealed the presence of an intact A horizon north of Station 512.665 (STP 665). Where it was present, the A horizon consisted of a very dark brown (10YR 3/1) silt loam with a gradual to abrupt boundary. In some profiles, the A horizon appeared to exhibit varying amounts of surface disturbance, presumably related to its former use as a city street.

A number of disturbances were noted that appear to be associated with the installation of modern public utilities including: two telephone cables, two water lines, one natural gas line, and other unidentified trenches. At least two utility trenches were excavated into the buried A horizon in the vicinity of Station 512.680.

The only historic cultural feature identified during the initial trench excavation is a poorly

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Stage I Field Report  
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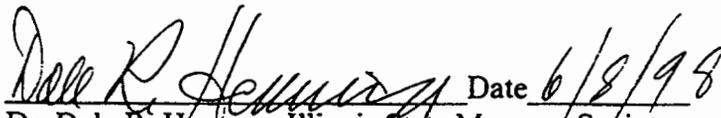
constructed shaft feature made of dry-laid brick. The absence of mortar suggests that this is probably a septic-related drainage feature, but it is impossible to determine its function without exposing it further. The feature is located in east wall of trench and is outside the limits of the data recovery. Berger recommends that the feature be preserved in place by avoiding it during the remainder of construction and covering it with a layer of sand prior to final backfilling and compaction.

As a final measure to insure that all potentially significant archaeological deposits located within the construction trench have been identified and removed, Berger proposes to machine strip all intact soil located within the trench to the measured depth of the trench floor. Similar excavation and monitoring is proposed for all lateral utility trenches.

Recommendations

Archaeological testing of the Stage I segment of the SW 5<sup>th</sup> Street Sewer Corridor has determined that this portion of the project area contains no potentially significant prehistoric archaeological deposits. One historic archaeological feature, a brick shaft of undetermined age and function, was identified at the north end of the Stage I trench. However, this feature is located in east wall of trench and is outside the limits of the data recovery as defined in the Memorandum of Agreement and the approved Data Recovery Plan. Berger recommends that the single historic feature be preserved in place by marking the area and avoiding it during the remainder of construction and by covering it with a layer of sand prior to final backfilling and compaction. Final removal of intact soil throughout the Stage I trench and lateral utility trenches will be conducted through controlled excavation using machine stripping and monitoring procedures. Once this has been completed, and assuming that no evidence of additional archaeological deposits are encountered during excavation, Berger recommends that no additional archaeological work be required in this segment of the construction trench and that installation of the sewer line and other necessary utilities be allowed to proceed.

Concur:

 Date 6/8/98  
Dr. Dale R. Henning, Illinois State Museum Society  
REI Archaeology Management Consultant

 Date 6/8/98  
Mr. Doug Jones, Archaeologist  
Iowa State Historical Society

**RUST** Rust Environment & Infrastructure Inc.

A Rust International Company      Phone 319.232.6531  
501 Sycamore Street, Suite 222      Fax 319.232.0271  
Waterloo, IA 50703  
P.O. Box 1497  
Waterloo, IA 50704-1497

June 23, 1998

Mr. Harold Smith, P.E.  
City Engineer  
400 East 1st Street  
Des Moines, Iowa 50309-1891

Re: Des Moines Martin Luther King Jr. Parkway  
5th Street Storm Sewer Data Recovery  
W.O. No. 0206-98-009  
REI Project No. 102639

Dear Mr. Smith:

Enclosed please find the summary report for the second stage of the 5th Street storm sewer archaeological data recovery. The results of the investigation did not uncover any significant cultural materials. Doug Jones, SHPO, has concurred with results presented in the attached memo report. This allows construction to continue as planned.

Please call if you have any questions.

Sincerely,



Brenda J. Durbahn  
Enclosure: As Noted

c: Mr. Floyd Bentz (w/enclosure)  
Mr. Gene Schmitt (w/enclosure)  
Mr. Gary Fox (w/enclosure)  
Mr. Mike Schweyen (w/enclosure)  
• Mr. Randy Faber (w/enclosure)  
Mr. Gary Hood (w/enclosure)  
Mr. Randy Withrow (w/enclosure)  
Mr. Steve Eaton (w/enclosure)  
Mr. Mike Bearden (w/enclosure)

T/L/RandyF.blc

JUN 18 1998

INTERIM FIELD REPORT  
MLK PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
5TH STREET STORM SEWER  
CITY OF DES MOINES, IOWA

TO: Brenda Durbahn, Rust Environment and Infrastructure, Inc.

FROM: Randy Withrow, Louis Berger & Associates, Inc., Marion, Iowa

DATE: June 18, 1998

SUBJECT: Field Report for Completion of Stage II

REF: SHPO R&C Number 870777000

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed shovel test investigations in the Stage II portion of the 5<sup>th</sup> Street Sewer project area. This segment of the storm sewer is located in the central portion of the construction trench and extends from the north end of Stage I (Sta. 512.695) north approximately 80 meters to a point near the northwest corner of the building at 313 5<sup>th</sup> Street SW (Sta. 512.772). This segment includes approximately 15 meters originally designated as Segment Stage IV. Intact soils were encountered throughout this portion of the construction trench; however, no archaeological materials or other evidence of historic cultural deposits were encountered during testing. Based on these results, Berger recommends that no additional work be required in this segment of the construction trench.

Field Methods and Results

Stage II field investigations were initiated on Wednesday, June 10, 1998. Work was completed during June 10-18, 1998 by a four-person team of Berger archaeologists consisting of Field Supervisor Henry Holt, Crew Chief Laura Elsinger, and Field Archaeologists David Gilmour and Delland Gould. Initial field tasks included recording elevations for the pre-excitation surface and excavating street fill from the construction trench to define the interface horizon separating modern fill from native soil. All machine excavations were conducted using a Komatsu excavator equipped with a three-cubic yard bucket.

The soil borings recorded in February 1998 by StrataMorph, Inc. were used to estimate the depth of the underlying native soil throughout the Stage I trench. As the excavator approached the target depth a two-inch diameter soil probe was used to penetrate the remaining fill and estimate the precise depth to the interface. Modern fill was removed throughout the construction trench to within approximately 10 centimeters of the interface to insure that the underlying deposits were not

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unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were located at five-meter intervals along the centerline of the trench. Each shovel test pit (STP) was labeled according to its location within the trench (e.g., #675 for Station 512.675). Each STP measured 50x50 centimeters and was excavated as a square unit following natural strata in order to permit clear identification of the vertical location of any potential archaeological deposits within the trench. A standard excavation size was used in order to control for volume-related variation in artifact frequency results within the trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through ¼-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g., color, texture), inclusions, and the presence of potential artifacts, cultural features or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the west wall profile was carefully mapped and measured for elevation in order to permit an accurate reconstruction of the terrace surface throughout the corridor. A series of profile drawings were completed at not less than 10-meter intervals along the walls of the construction trench to identify and map the primary fill layers represented in the modern fill.

The modern fill/native soil interface is exposed above the bed of the construction trench throughout Stage II. The interface slopes gently to the north with a slight swale located between Stations 512.710 and 512.740.

A total of 16 STPs were excavated within the Stage II segment of the trench. No evidence of intact archaeological deposits were encountered in these tests. The depth of each individual STP was variable between 1.05 and 1.50 meters according to the elevation of the interface above the estimated bed of the construction trench. The soil profiles observed in Stage II were intact and appeared to be broadly similar to those observed in the north one-half of Stage I which were characterized by an A-Bw-C profile. Several STP profiles encountered in the swale area appeared to have a more weakly developed B horizon, and may be best described as an AC-C profile. The A horizon consisted of a very dark brown (10YR 3/1) silt loam with a gradual to abrupt boundary. In some profiles, the A horizon appeared to exhibit varying amounts of surface disturbance, presumably related to its former use as a city street.

A number of disturbances were noted that appear to be associated with the installation of modern public utilities including several water lines and natural gas lines. Excavation and monitoring is proposed for all necessary lateral utility trenches that will extend west from the main sewer trench, but these installations have not been located or opened at this time. No additional soil removal is proposed for Stage II.

Recommendations

Archaeological testing of the Stage II segment of the SW 5<sup>th</sup> Street Sewer Corridor has determined that this portion of the project area contains no potentially significant prehistoric archaeological

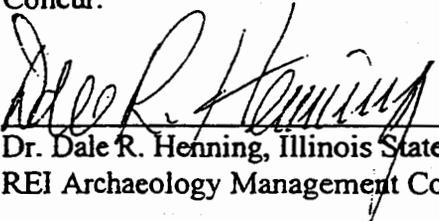
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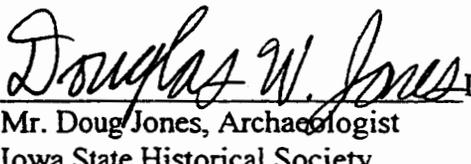
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deposits. Final removal of soil from lateral utility trenches will be conducted through controlled excavation using machine stripping and monitoring procedures. No final stripping or monitoring of the remaining intact soil deposits in the primary Stage II construction trench appears warranted. Based on these results, Berger recommends that no additional archaeological work be required in this segment of the construction trench and that installation of the sewer line and other necessary utilities be allowed to proceed.

Concur:

 Date 6/12/98  
Dr. Dale R. Henning, Illinois State Museum/Society  
REI Archaeology Management Consultant

 Date 6/19/98  
Mr. Doug Jones, Archaeologist  
Iowa State Historical Society

**RUST Rust Environment & Infrastructure Inc.**

A Rust International Company      Phone 319.232.6531  
501 Sycamore Street, Suite 222      Fax 319.232.0271  
Waterloo, IA 50703  
P.O. Box 1497  
Waterloo, IA 50704-1497

June 23, 1998

Mr. Harold Smith, P.E.  
City Engineer  
400 East 1st Street  
Des Moines, Iowa 50309-1891

Re: Des Moines Martin Luther King Jr. Parkway  
5th Street Storm Sewer Data Recovery  
W.O. No. 0206-98-009  
REI Project No. 102639

Dear Mr. Smith:

Enclosed please find the summary report for the second stage of the 5th Street storm sewer archaeological data recovery. The results of the investigation did not uncover any significant cultural materials. Doug Jones, SHPO, has concurred with results presented in the attached memo report. This allows construction to continue as planned.

Please call if you have any questions.

Sincerely,



Brenda J. Durbahn  
Enclosure: As Noted

c: Mr. Floyd Bentz (w/enclosure)  
Mr. Gene Schmitt (w/enclosure)  
Mr. Gary Fox (w/enclosure)  
Mr. Mike Schweyen (w/enclosure)  
• Mr. Randy Faber (w/enclosure)  
Mr. Gary Hood (w/enclosure)  
Mr. Randy Withrow (w/enclosure)  
Mr. Steve Eaton (w/enclosure)  
Mr. Mike Bearden (w/enclosure)

T/L/RandyF.blc

JUN 18 1998

INTERIM FIELD REPORT  
MLK PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
5TH STREET STORM SEWER  
CITY OF DES MOINES, IOWA

TO: Brenda Durbahn, Rust Environment and Infrastructure, Inc.

FROM: Randy Withrow, Louis Berger & Associates, Inc., Marion, Iowa

DATE: June 18, 1998

SUBJECT: Field Report for Completion of Stage II

REF: SHPO R&C Number 870777000

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed shovel test investigations in the Stage II portion of the 5<sup>th</sup> Street Sewer project area. This segment of the storm sewer is located in the central portion of the construction trench and extends from the north end of Stage I (Sta. 512.695) north approximately 80 meters to a point near the northwest corner of the building at 313 5<sup>th</sup> Street SW (Sta. 512.772). This segment includes approximately 15 meters originally designated as Segment Stage IV. Intact soils were encountered throughout this portion of the construction trench; however, no archaeological materials or other evidence of historic cultural deposits were encountered during testing. Based on these results, Berger recommends that no additional work be required in this segment of the construction trench.

Field Methods and Results

Stage II field investigations were initiated on Wednesday, June 10, 1998. Work was completed during June 10-18, 1998 by a four-person team of Berger archaeologists consisting of Field Supervisor Henry Holt, Crew Chief Laura Elsinger, and Field Archaeologists David Gilmour and Delland Gould. Initial field tasks included recording elevations for the pre-excavation surface and excavating street fill from the construction trench to define the interface horizon separating modern fill from native soil. All machine excavations were conducted using a Komatsu excavator equipped with a three-cubic yard bucket.

The soil borings recorded in February 1998 by StrataMorph, Inc. were used to estimate the depth of the underlying native soil throughout the Stage I trench. As the excavator approached the target depth a two-inch diameter soil probe was used to penetrate the remaining fill and estimate the precise depth to the interface. Modern fill was removed throughout the construction trench to within approximately 10 centimeters of the interface to insure that the underlying deposits were not

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unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were located at five-meter intervals along the centerline of the trench. Each shovel test pit (STP) was labeled according to its location within the trench (e.g., #675 for Station 512.675). Each STP measured 50x50 centimeters and was excavated as a square unit following natural strata in order to permit clear identification of the vertical location of any potential archaeological deposits within the trench. A standard excavation size was used in order to control for volume-related variation in artifact frequency results within the trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through ¼-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g., color, texture), inclusions, and the presence of potential artifacts, cultural features or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the west wall profile was carefully mapped and measured for elevation in order to permit an accurate reconstruction of the terrace surface throughout the corridor. A series of profile drawings were completed at not less than 10-meter intervals along the walls of the construction trench to identify and map the primary fill layers represented in the modern fill.

The modern fill/native soil interface is exposed above the bed of the construction trench throughout Stage II. The interface slopes gently to the north with a slight swale located between Stations 512.710 and 512.740.

A total of 16 STPs were excavated within the Stage II segment of the trench. No evidence of intact archaeological deposits were encountered in these tests. The depth of each individual STP was variable between 1.05 and 1.50 meters according to the elevation of the interface above the estimated bed of the construction trench. The soil profiles observed in Stage II were intact and appeared to be broadly similar to those observed in the north one-half of Stage I which were characterized by an A-Bw-C profile. Several STP profiles encountered in the swale area appeared to have a more weakly developed B horizon, and may be best described as an AC-C profile. The A horizon consisted of a very dark brown (10YR 3/1) silt loam with a gradual to abrupt boundary. In some profiles, the A horizon appeared to exhibit varying amounts of surface disturbance, presumably related to its former use as a city street.

A number of disturbances were noted that appear to be associated with the installation of modern public utilities including several water lines and natural gas lines. Excavation and monitoring is proposed for all necessary lateral utility trenches that will extend west from the main sewer trench, but these installations have not been located or opened at this time. No additional soil removal is proposed for Stage II.

Recommendations

Archaeological testing of the Stage II segment of the SW 5<sup>th</sup> Street Sewer Corridor has determined that this portion of the project area contains no potentially significant prehistoric archaeological

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June 8, 1998  
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deposits. Final removal of soil from lateral utility trenches will be conducted through controlled excavation using machine stripping and monitoring procedures. No final stripping or monitoring of the remaining intact soil deposits in the primary Stage II construction trench appears warranted. Based on these results, Berger recommends that no additional archaeological work be required in this segment of the construction trench and that installation of the sewer line and other necessary utilities be allowed to proceed.

Concur:

Dale R. Henning Date 6/18/98  
Dr. Dale R. Henning, Illinois State Museum Society  
REI Archaeology Management Consultant

Douglas W. Jones Date 6/19/98  
Mr. Doug Jones, Archaeologist  
Iowa State Historical Society

**RUST Rust Environment & Infrastructure Inc.**

A Rust International Company      Phone 319.232.6531  
501 Sycamore Street, Suite 222      Fax 319.232.0271  
Waterloo, IA 50703  
P.O. Box 1497  
Waterloo, IA 50704-1497

July 2, 1998

Mr. Harold Smith, P.E.  
City Engineer  
400 East 1st Street  
Des Moines, Iowa 50309-1891

Re: Des Moines Martin Luther King Jr. Parkway  
5th Street Storm Sewer Archaeological Data Recovery  
W.O. No. 0206-98-009  
REI Project No. 102639

Dear Mr. Smith:

Enclosed please find the field report for Stage IV for the above-referenced project. No cultural materials were found in this stage. Doug Jones, SHPO, has given his concurrence for this work; construction may proceed.

Call if you have any questions or need more information.

Sincerely,

*Brenda Durbahn (htr)*

Brenda J. Durbahn

Enclosure: As Noted

c: Mr. Floyd Bentz (w/enclosure)  
Mr. Gary Fox (w/enclosure)  
Mr. Gene Schmitt (w/enclosure)  
Mr. Gary Hood (w/enclosure)  
Mr. Randy Faber (w/enclosure)  
Mr. Mike Schweyen (w/enclosure)  
Mr. Randy Withrow (w/enclosure)  
Mr. Steve Eaton (w/enclosure)  
Mr. Mike Bearden (w/enclosure)

T/L/Harold.blc

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INTERIM FIELD REPORT  
MLK PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
5TH STREET STORM SEWER  
CITY OF DES MOINES, IOWA

TO: Brenda Durbahn, Rust Environment and Infrastructure, Inc.  
FROM: Randy Withrow, Louis Berger & Associates, Inc., Marion, Iowa  
DATE: June 26, 1998  
SUBJECT: Field Report for Completion of Stage IV  
REF: SHPO R&C Number 870777000

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed field investigations in the Stage IV portion of the 5<sup>th</sup> Street Sewer project area. This segment of the storm sewer is located in the north-central portion of the construction trench and extends approximately 25 meters from the north end of Stage II (Sta. 512.772) to the centerline of Elm Street (Sta. 512.797). The southern portion of Stage IV, approximately 15 meters as it was originally defined on project plans, was examined as part of the field investigation for Stage II. Intact soils were encountered in approximately 30 to 40 percent of Stage IV; the remaining area was disturbed by the placement of public utilities (6 trenches). No significant archaeological deposits were encountered during testing of Stage IV, and based on these results, Berger recommends that no additional archaeological investigations be required in this segment of the construction trench.

Field Methods and Results

Stage IV field investigations were initiated on Monday, June 22, 1998. Work was completed during June 22-26, 1998 by a four-person team of Berger archaeologists consisting of Field Supervisor Henry Holt, Crew Chief Laura Elsinger, and Field Archaeologists David Gilmour and Delland Gould. Initial field tasks included recording elevations for the pre-excavation surface and excavating street fill from the construction trench to define the interface horizon separating modern fill from native soil. All machine excavations were conducted using a Komatsu excavator equipped with a three-cubic yard bucket.

Soil borings recorded in February 1998 by StrataMorph, Inc. were used to estimate the depth of the underlying native soil throughout the Stage IV trench. As the excavator approached the target depth, a two-inch diameter soil probe was used to penetrate the remaining fill and estimate the precise depth to the interface. Modern fill was removed throughout the construction trench to within

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June 26, 1998  
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approximately 10 centimeters of the interface to insure that the underlying deposits were not unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were located at five-meter intervals along the centerline of the trench. Each shovel test pit (STP) was labeled according to its location within the trench (e.g., #675 for Station 512.675). Each STP measured 50x50 centimeters and was excavated as a square unit following natural strata in order to permit clear identification of the vertical location of any potential archaeological deposits within the trench. A standard excavation size was used in order to control for volume-related variation in artifact frequency results within the trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through ¼-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g., color, texture), inclusions, and the presence of potential artifacts, cultural features or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the west wall profile was carefully mapped and measured for elevation in order to permit an accurate reconstruction of the terrace surface throughout the corridor. A series of profile drawings were completed at not less than 10-meter intervals along the walls of the construction trench to identify and map the primary layers represented in the modern fill.

Geomorphologist Rolfe Mandel has examined STP and trench wall profiles in Stages I (6-5-98), II, and IV (6-26-98) and has identified two terrace surfaces within the 5<sup>th</sup> Street Sewer project area. A Low Terrace (T0) dating to the very recent late Holocene was identified at the south end of Stage I (vicinity of 5<sup>th</sup> and Tuttle). The surface of the low terrace in this area appears to be approximately 70 centimeters below the floor of the construction trench. The modern fill/native soil interface rises to intersect the floor of the construction trench in the vicinity of Sta. 512.653 and, with the exception of a low swale at Stations 512.672 to 512.678 (Stage I), is exposed north of this point throughout the remainder of Stages II and IV (and presumably Stage III). Mandel has identified this higher surface as an Intermediate Terrace (T1) dating to the late Holocene. The Intermediate Terrace has a fairly level surface and rises gently to the north. At Elm Street the surface of the Intermediate Terrace is less than 1.0 meter below the modern pavement.

The modern fill/native soil interface was exposed at a depth of approximately 0.5 to 1.0 meters below street level in Stage IV. A total of five STPs were placed or located in Stage IV; however intact soil was found in only two of these. No evidence of intact archaeological deposits were encountered in these tests. Both tests were excavated to depths of approximately 1.0 meter and were extended into intact B-horizon deposits. The intact soil profiles observed in Stage IV appeared to be broadly similar to those observed in the north half of Stage I and Stage II and were identified as having an A-Bw soil horizon profile. The A horizon consisted of a very dark brown (10YR 3/1) silt loam with a gradual to abrupt boundary. The underlying Bw horizon consisted of dark brown (10YR 3/3) silt loam or silty clay loam.

A number of soil disturbances were noted during excavation of Stage IV that are associated with the installation of existing public utilities including a brick sanitary sewer, 8-inch and 32-inch water

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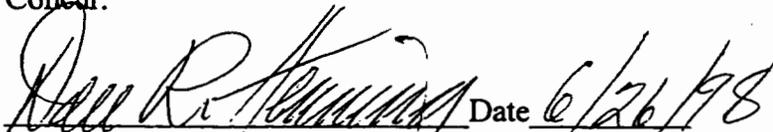
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lines and a natural gas line. Excavators encountered a two-meter segment of a wood culvert in the south one-half of Elm Street. The culvert consists of two parallel side beams set approximately 1.0 meter apart with a cover of closely spaced wood cross beams. The structure is surrounded by sandy backfill material and is filled with dark silt. It is oriented north-south and is aligned with the east side of 5<sup>th</sup> Street. The trench excavation also exposed a pavement of cut stone blocks near the intersection of 5<sup>th</sup> and Elm. The pavement consist of a single layer of loosely fitted sandstone and/or limestone blocks. The individual blocks range in size between 40 to 60 centimeters square and measure between 10 and 20 centimeters thick. The blocks have been set on a bed of sand about 10-centimeters thick. The culvert and stone pavement are located immediately below the modern concrete/asphalt road surface. The wood culvert post-dates the installation of the brick sanitary sewer (circa 1892) and is truncated by a 32-inch diameter water main that was installed across 5th Street in the mid-1930s. The pavement is bisected by the wood culvert and may date from the late 19th century (i.e., prior to 1892). Cross-section trenches were excavated through both the wood culvert and stone pavement to investigate their stratigraphic relationships to the surrounding utilities. Both structures were carefully exposed, mapped, and photographed.

Recommendations

Archaeological testing of the Stage IV segment of the 5<sup>th</sup> Street Sewer Corridor has determined that this portion of the project area contains no potentially significant archaeological deposits. No final stripping or monitoring of the remaining intact soil deposits in the primary Stage IV construction trench appears warranted. Based on these results, Berger recommends that no additional archaeological work be required in this segment of the construction trench and that installation of the sewer line and other necessary utilities be allowed to proceed.

Concur:

 Date 6/26/98  
Dr. Dale R. Henning, Illinois State Museum Society  
REI Archaeology Management Consultant

 Date 6/29/98  
Mr. Douglas W. Jones, Archaeologist  
Iowa State Historical Society

**RUST** Rust Environment & Infrastructure Inc.

A Rust International Company      Phone: 319 232 6531  
501 Sycamore Street, Suite 222      Fax: 319 232 0771  
Waterloo, IA 50703  
P.O. Box 1497  
Waterloo, IA 50704-1497

July 6, 1998

Mr. Harold Smith, P.E.  
City of Des Moines  
400 East 1st Street  
Des Moines, Iowa 50309-1891

Re: Des Moines Martin Luther King Jr. Parkway  
5th Street Storm Sewer Archaeology  
Work Order No. 0206-98-009  
REI Project No. 102639

Dear Mr. Smith:

Enclosed please find the Stage III field report for 5th Street Storm Sewer Data Recovery. No significant cultural materials were found in this stage. Louis Berger recommended that no monitoring of the lateral utility lines be conducted for Stages I - IV. Doug Jones, SHPO, concurred with these recommendations. All archaeological field work for 5th Street is complete. Construction can continue unimpeded.

If you have any questions or need more information, please call.

Sincerely,



Brenda J. Durbahn

Enclosure: As Noted

c: Mr. Floyd Bentz (w/enclosure)  
Mr. Gary Fox (w/enclosure)  
Mr. Gene Schmitt (w/enclosure)  
FHWA for Mr. Mike Schweyen (w/enclosure)  
Mr. Randy Faber (w/enclosure)  
Mr. Gary Hood (w/enclosure)  
Mr. Randy Withrow (w/enclosure)  
Mr. Steve Eaton (w/enclosure)  
Mr. Mike Bearden (w/enclosure)

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INTERIM FIELD REPORT  
MLK PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
5TH STREET STORM SEWER  
CITY OF DES MOINES, IOWA

TO: Brenda Durbahn, Rust Environment and Infrastructure, Inc.

FROM: Randy Withrow, Louis Berger & Associates, Inc., Marion, Iowa

DATE: July 2, 1998

SUBJECT: Field Report for Completion of Stage III

REF: SHPO R&C Number 870777000

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed field investigations in the Stage III portion of the 5<sup>th</sup> Street Sewer project area. This segment of the storm sewer is located at the north end of the construction trench and includes the north one-half of Elm Street (Sta. 512.797 to 512.807.5). The construction trench for Stage III measures 12 meters north-south and 6 meters east-west. Intact soils were encountered in approximately 70 percent of Stage III; the remaining area was disturbed by the previous placement of public utilities. No significant archaeological deposits were encountered during testing of Stage III, and based on these results, Berger recommends that no additional archaeological investigations be required in this segment of the construction trench.

Field Methods and Results

Stage III field investigations were initiated on Monday, June 28, 1998. Work was completed during June 28-July 2, 1998 by a two-person team of Berger archaeologists consisting of Field Supervisor Henry Holt and Crew Chief Laura Elsinger. Initial field tasks included recording elevations for the pre-excavation surface and excavating street fill from the construction trench to define the interface horizon separating modern fill from native soil. All machine excavations were conducted using a Komatsu excavator equipped with a three-cubic yard bucket.

Soil borings recorded in February 1998 by StrataMorph, Inc. were used to estimate the depth of the underlying native soil throughout the Stage III trench. As the excavator approached the target depth, a two-inch diameter soil probe was used to penetrate the remaining fill and estimate the precise depth to the interface. Modern fill was removed throughout the construction trench to within approximately 10 centimeters of the interface to insure that the underlying deposits were not unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were

located at five-meter intervals along the centerline of the trench. Each shovel test pit (STP) was labeled according to its location within the trench (e.g., #675 for Station 512.675). Each STP measured 50x50 centimeters and was excavated as a square unit following natural strata in order to permit clear identification of the vertical location of any potential archaeological deposits within the trench. A standard excavation size was used in order to control for volume-related variation in artifact frequency results within the trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through ¼-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g., color, texture), inclusions, and the presence of potential artifacts, cultural features or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the west wall profile was carefully mapped and measured for elevation in order to permit an accurate reconstruction of the terrace surface throughout the corridor. A series of profile drawings were completed at not less than 10-meter intervals along the walls of the construction trench to identify and map the primary layers represented in the modern fill.

The Stage III segment of the 5<sup>th</sup> Street Sewer installation is situated on a portion of the Intermediate Terrace which is believed to date to the late Holocene. The Intermediate Terrace has a fairly level surface and rises gently to the north. At Elm Street the modern fill/native soil interface was exposed at a depth of approximately 0.70 meters below street level. A total of two STPs were excavated in Stage III. No evidence of intact archaeological deposits were encountered in these tests. The depth of each individual STP was variable but averaged about 1.0 meter and was extended into intact subsoil. The intact soil profiles observed in Stage III appeared to be broadly similar to those observed in the north half of Stage I and Stages II and IV and were identified as having an A-Bw soil horizon profile. The A horizon consisted of a very dark brown (10YR 3/1) silt loam with a gradual to abrupt boundary. The underlying Bw horizon consisted of 10YR 3/4 silt loam to silty clay loam.

A number of soil disturbances were noted during excavation of Stage III that appear to be associated with the installation of existing public utilities including a 60-inch double-ring brick sanitary sewer and water and telephone lines. Excavators encountered more of the wood culvert structure first exposed in Stage IV. This structure consists of two parallel side beams (12x12-inch) set approximately 1.0 meter apart and is covered by closely spaced wood cross members. A thick deposit of water-lain silt suggested that this structure may have functioned as an early street culvert, however, it now appears that it also served as an early walkway or sidewalk. In addition to the first wood walkway/culvert which is oriented north-south and aligned with the east side of 5<sup>th</sup> Street, excavations in Stage III also exposed a second crosswalk structure oriented east-west across 5<sup>th</sup> Street on the north side of the Elm Street intersection. Both new walkway segments have been fully exposed within the project trench and documented.

#### Placement of Lateral Utilities

Project Designs call for the replacement/installation of several lateral utility lines extending west

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July 2, 1998  
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from the main sewer trench. In general, these new utilities will be installed in previously excavated trenches and will not affect areas with potentially intact soils. Based on this information, plus the consideration that no significant archaeological deposits were encountered within the nearby primary construction trench, Berger recommends that no archaeological monitoring of these installations be required.

Recommendations

Archaeological testing of the Stage III segment of the 5<sup>th</sup> Street Sewer Corridor has determined that this portion of the project area contains no potentially significant archaeological deposits. No final stripping or monitoring of the remaining intact soil deposits in the primary Stage III construction trench appears warranted. In addition, no monitoring is recommended for the installation of any lateral utility lines associated with Stages I, II, or IV. Pending SHPO concurrence with these findings and recommendations, Berger recommends that no additional archaeological work be required for the 5<sup>th</sup> Street Sewer Construction Project and that installation of the sewer line and all other necessary utilities be allowed to proceed.

Note: REI's Archaeology Management Consultant, Dr. Dale Henning was unable to review the results of the field investigation in Stage III prior to preparation of this report.

Concur:

Douglas W. Jones Date 7/2/98  
Mr. Douglas W. Jones, Archaeologist  
Iowa State Historical Society

# ARCHAEOLOGICAL DATA RECOVERY FOR THE SW 6<sup>TH</sup> STREET PORTION OF THE MARTIN LUTHER KING, JR. PARKWAY

## DES MOINES, IOWA

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*Prepared for:*



CITY OF DES MOINES  
Engineering Department, City Hall  
400 East First Street  
Des Moines, Iowa 50309-1801



EARTH TECH, INC.  
500 SW 7<sup>th</sup> Street, Suite 301  
Des Moines, Iowa 50309-4506

*Prepared By:*



LOUIS BERGER & ASSOCIATES, INC.  
950 50<sup>th</sup> Street  
Marion, Iowa 52302

July 2000

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ARCHAEOLOGICAL DATA RECOVERY FOR THE  
SW 6<sup>TH</sup> STREET PORTION OF THE  
MARTIN LUTHER KING, JR. PARKWAY

DES MOINES, IOWA

*Prepared for:*

CITY OF DES MOINES, IOWA

and

EARTH TECH, INC.  
500 SW 7<sup>th</sup> Street, Suite 301  
Des Moines, Iowa 50309

*Prepared by:*

Christopher M. Schoen, Principal Investigator  
Henry Holt, Field Supervisor

THE LOUIS BERGER GROUP, INC.  
950 50<sup>th</sup> Street  
Marion, Iowa 52302

July 2000

ABSTRACT

The Louis Berger Group, Inc., has completed archaeological data recovery for the Construction Stage V (SW 6<sup>th</sup> Street) portion of the Martin Luther King, Jr. Parkway storm sewer construction project. This work was performed on behalf of the City of Des Moines, with project coordination provided by Earth Tech, Inc., Des Moines, Iowa. Data recovery investigations were conducted within the construction trench for new storm sewer improvements associated with the reconstruction of SW 6<sup>th</sup> Street immediately south of the Polk County Courthouse. Field investigations focused on a 225-meter-long sewer pipe trench right-of-way cutting southwest-northeast across a two-block area between SW 6<sup>th</sup> and SW 7<sup>th</sup> streets and West Market and West Cherry streets. The work was confined to the limits of the construction trench which measured approximately 2.75 meters (9 feet) wide at the base, for a total area examined of 0.15 acres (0.06 hectares). The entire right-of-way for the planned construction of SW 6<sup>th</sup> Street through Block 8 and the southeast quadrant of Block 9 was not examined. The present investigation included historical and cartographic research followed by subsurface investigations within the project area. Additional archival research was done after the subsurface investigations to help interpret the features and artifacts recovered from the excavations.

No prehistoric archaeological deposits or historic remains associated with Fort Des Moines No. 2 (Site 13PK61) were encountered in the excavations. However, the data recovery excavations conducted within the project area identified 17 historic archaeological features in Block 8 (West Market to West Vine streets) and one historic archaeological feature in Block 9 (West Vine to West Cherry) associated with the early residential and commercial development of the Town of Fort Des Moines and its successor the City of Des Moines circa 1850 to present. The 17 features in Block 8 represent archaeological deposits associated primarily with the residential use of this neighborhood between circa 1850 to 1910 and were formally recorded as archaeological site 13PK760. The features in Block 8 include four brick cisterns, six foundation walls, a filled basement, a brick walkway, two latrine pits, the base of a utility pole, and two trash pits. The brick foundation wall and basement feature uncovered in Block 9 is associated with the commercial storage and transfer district development of the area that occurred after 1901.

The late 19<sup>th</sup> century residential features encountered in Block 8 appear to have good integrity despite more than 100 years of intensive commercial development in the area. As described in this report, these features and their associated material remains appear to have potential to provide important historical information regarding the early development of this neighborhood and its residents. Based on these findings, Berger recommends that the archaeological deposits associated with the late 19<sup>th</sup> century residential component at Site 13PK760 be considered eligible for inclusion in the National Register of Historic Places under Criterion D for their potential to yield important new information regarding the early residential development of the City of Des Moines. Removal of rubble and fill to construct SW 6<sup>th</sup> Street through Block 8 may result in exposure and/or disturbance of archaeological features associated with this period. Excavation for construction of the brick basement foundation for the Jerome I. Case Building by 1901 and the Polk County Confinement Building after 1957 destroyed the remains of the residential occupation and early light industry businesses in Block 9. Thus, there is limited potential for significant archaeological information as a result of the major ground disturbances in this block. Therefore, Block 9 is not included in the boundaries for Site 13PK760 and is not eligible for inclusion in the National Register of Historic Places.

INTERIM FIELD REPORT  
MLK, JR PARKWAY ARCHAEOLOGICAL DATA RECOVERY  
SW 6<sup>TH</sup> & SW 7<sup>TH</sup> STREET STORM SEWER  
CITY OF DES MOINES, IOWA

EXHIBIT K  
DOCKET AB-6  
(Sub No. 401X)  
PAGE 4 OF 7

FHWA  
REC # 810777000

TO: Brenda Durbahn, Earth Tech, Inc.

FROM: Charles LeeDecker, Louis Berger & Associates, Inc., Washington, D.C., and  
Chris Schoen, Louis Berger & Associates, Inc., Marion, Iowa

DATE: August 2, 1999

SUBJECT: Field Report for Completion of Construction Stage V and Site 13PK760.

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Summary of Field Investigations

Louis Berger & Associates, Inc. (Berger) has completed field investigations in the Stage 2A portion of the Construction Stage V segment of the SW 6<sup>th</sup> & SW 7<sup>th</sup> streets project area. This segment of the storm sewer main and laterals is located between West Market and West Vine streets (Block 8) in central Des Moines, Iowa. A partially disturbed historic A-horizon was found at the base of the backhoe trenches below multiple layers of fill. Excavations uncovered seventeen historic features, primarily brick walls and cisterns related to the nineteenth century residential occupation of the block. Field investigations in Block 9, between West Vine and West Cherry streets, will begin as soon as property access is obtained from Norwest Bank. The investigation will focus on the southeast quadrant of the block through which the storm sewer pipeline passes. Excavations in SW 6<sup>th</sup> Street and West Vine Street are not expected to include any potentially significant archaeological deposits and are not recommended for archaeological investigation. Site number 13PK760 has been assigned to the archaeological remains in Block 8 and any deposits in Block 9.

Field Methods and Results

The field investigations were initiated on June 21, 1999. Work was completed during June 21-July 8, 1999 by a six-person team of Berger archaeologists consisting of Field Supervisor Henry Holt, Crew Chief Laura Elsinger, and Field Archaeologists Teresa Brown, David Ernest, Tracy Jones, and Paul Stansfield. Charles LeeDecker was Project Manager and Christopher Schoen was Principal Investigator. Field tasks included excavating backhoe trenches down the centerlines marked for the storm sewer main and laterals to define the interface horizon separating historic and/or modern fill from native soil. All machine excavations were conducted using a Linkbelt Trackhoe 2650.

The soil borings recorded in January 1999 by Great Lakes Archaeological Research Center, Inc. were used to estimate the depth of the underlying native soil throughout the Stage V trenches. The backhoe excavations were closely monitored to guide the excavator in careful removal of the overburden and preserve the interface with the native soil. Fill was removed throughout the trenches to within approximately 10 centimeters of the interface to insure that the underlying deposits were not unnecessarily disturbed prior to initial testing. Once cleared of fill, a series of shovel tests were placed at ten-meter intervals along the centerline of the trench. Shovel test pits (STPs) were numbered sequentially. Each was labeled according to its location within a particular trench (e.g. STP 1, Trench 1; STP 9, Trench 4). Each STP measured 40 centimeters in diameter and was excavated by natural strata. A standard excavation size was used to control for volume-related variation in artifact frequencies within the each trench. All STPs were hand excavated using a shovel and trowel. All excavated soil was screened through 1/4-inch hardware cloth to recover potential archaeological materials. Observations regarding soil characteristics (e.g. color, texture), inclusions, and the presence of artifacts, cultural features, or disturbances were recorded on standardized forms developed by Berger. In all excavated STPs the profile was carefully measured and mapped for elevation to permit an accurate reconstruction of the natural surface throughout the project area. A series of profile drawings were completed along the walls of the backhoe trenches at feature locations to identify and map the primary fill layers represented in the modern fill.

The modern fill/native soil interface was exposed above the bed of the backhoe trenches. However, the native soil was penetrated to varying depths by subsurface structural features, such as the cisterns and the basement foundations, the latrine and trash pits, and the utility pole holes. The bases of the foundations of Features 3, 13, and 14 were below the bottom of the construction trenches (ie. outside the area of potential effect). Therefore, the depth of these features were not determined. Probing the fill in Features 1 and 4 determined the base depth of these cisterns. Feature 2 was not probed.

A total of 14 STPs were excavated in the trenches. The depth of each STP was variable according to the elevation of the interface above the estimated bed of the construction trench. The deepest shovel test (STP 5) was excavated to a maximum depth of 64 centimeters below the interface surface. Two shovel tests, STP 3 in Trench 2 and STP 7 in Trench 4, contained fill to 103 centimeters and 95 centimeters, respectively, below the base of each trench. There was no native soil in the two trenches at these locations. The STP excavations revealed the presence of an intact A-horizon consisting of a black (2.5Y2.5/1) silt loam with a gradual boundary. The soil below was very dark gray (2.5Y3/1) silty clay loam described as a 2A2b-horizon in Backhoe Trenches 2 and 3 for the project in Overstreet et al. (1999:45-46). These strata were consistently found across Block 8 except where they had been removed by historic construction activities.

Excavations uncovered seventeen historic features, including four cisterns (Features 1, 2, 4, and 5), five brick basement foundation walls (Features 3, 13, 14, 15, and 16), the location of a filled former basement foundation (Feature 12), a concrete block foundation for a loading platform (Feature 17), a brick walk (Feature 11), the base of a utility pole (Feature 6), the possible posthole of a second

utility pole (Feature 10), a wood-lined latrine (Feature 9), a possible unlined latrine (Feature 8), and a possible trash pit (Feature 7). Investigation of each feature was limited to the width and depth of the storm sewer trench boundaries. The portions of these features uncovered during trenching were carefully documented by scaled illustrations, photographs, standardized archaeological forms, and field notes.

### Recommendations

Archaeological testing of the Block 8 portion of the Construction Stage V segment of the SW 6<sup>th</sup> & SW 7<sup>th</sup> Streets Sewer Corridor has determined that this section of the project area contains no potentially significant prehistoric archaeological deposits. The discovery of three nearly complete brick cisterns, five brick basement foundation walls, and at least one latrine demonstrate that potentially significant archaeological features remain which are associated with the nineteenth century residential neighborhood. Other features of less importance include a concrete block foundation, a trash pit, and the base of at least one utility pole.

A single site number, Site 13PK760, has been assigned to Blocks 8 and 9. The archaeological remains in Blocks 8 and 9 are associated with the establishment of the original Town of Fort Des Moines and development of the City of Des Moines. The new site number is intended to distinguish this area from the boundaries defined for Site 13PK61 (Fort Des Moines No. 2) which is located west of this project area. The complex ownership and use history of the two blocks has not yet been determined, but it is known from Sanborn Fire Insurance maps, deed records, and city directories that the lots sometimes had multiple dwellings and associated outbuildings on them. Nor have individual features been identified with specific lots or addresses (ie. households or businesses). Archival investigations (such as Sanborn Fire Insurance maps, chain of title, census records, and city directories) will determine the boundaries of the occupational subareas. Therefore, the best manner in which to separate and discuss the archaeological deposits is by household or business (address) within a neighborhood, Site 13PK760.

While the archaeological investigations within the proposed construction area for the storm sewer main and laterals have destroyed limited segments of the brick and concrete block features and the upper section of the latrine pit to the base of the cut for the sewer trench, other parts of these features will remain undisturbed and protected by the parking lot surface and modern fill. Thorough documentation of the features, as they were exposed in the trenches, serves to mitigate the negative impacts of the storm sewer trench in Block 8. Therefore, Berger recommends that no additional work be required in this block long segment of the construction trench and that installation of the storm sewer line and other necessary utilities be allowed to proceed as planned. Modification to the project design, of course, will warrant additional investigation of new areas to be affected.

Once access is obtained for the storm sewer corridor in Block 9 (West Vine to West Cherry streets), the archaeological investigation of Construction Stage V will be completed. It is possible that the

delays caused by negotiations with Norwest Bank, the property owner, will result in a limited window in which Berger will be able to complete its work. Berger recommends focusing efforts at the southeast quadrant of Block 9 where archaeological deposits associated with the residential occupation of the city block are most likely to be located.

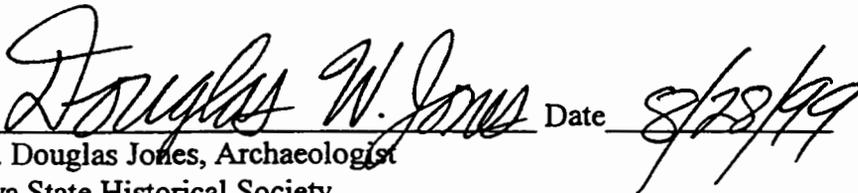
Investigation of the SW 5<sup>th</sup> Street segment of the project (Construction Stage I) has shown that the street areas have been heavily impacted by street construction and utility placement, greatly reducing the potential for significant archaeological remains. No archaeological investigations have been made of SW 7<sup>th</sup> Street in other portions of Construction Stages IV and V. Therefore, Berger recommends that no archaeological trenching be done in the former SW 6<sup>th</sup> Street location between West Vine and West Cherry streets or in margins of West Vine Street. Archaeological monitoring of construction trench excavations in the former SW 6<sup>th</sup> Street location might be advisable to examine the pebbly coarse sandy fill observed in geomorphological Core 14 near the north end of Block 9.

Concur:



Date 8/5/99

Dr. David F. Overstreet, Great Lakes Archaeological/Research Center, Inc.  
Earth Tech, Inc. Archaeology Management Consultant



Date 8/28/99

Mr. Douglas Jones, Archaeologist  
Iowa State Historical Society



## **Exhibit M**

**DOCKET AB-6  
(Sub No. 401X)**

### **Block 18 BNSF Sales of Real Estate**

Lot 1: North half sold in August 1976 to Nesbit Distributing Company.

Lot 1: South half sold in October 1961 to Mary K. Nesbit.

Lot 2: Sold in October 1961 to Mary K. Nesbit.

Lot 3: Sold in May 1984 to Fred Nesbit Distributing Company.

Lot 4: Northerly 28.35 feet sold in May 1984 to Fred Nesbit Distributing Company.

Lot 4: Middle 16.65 feet sold in December 2000 to the City of Des Moines.

Lot 4: Southerly 20 feet sold in February 1998 to ANT, LLC.

Lot 5: Northerly 28.35 feet sold in May 1984 to Fred Nesbit Distributing Company.

Lot 5: Middle 16.65 feet sold in December 2000 to the City of Des Moines.

Lot 5: Southerly 20 feet sold in February 1998 to ANT, LLC.

Lot 6: Sold in May 1984 to Fred Nesbit Distributing Company.

Lot 7: Sold in July 1969 to Mary K. Nesbit.

## **Exhibit N**

**Docket AB-6  
(Sub No. 401X)**

### **Block 27 BNSF Sales of Real Estate**

Lot 1: Sold in September 1988 to Gilcrest Jewitt Lumber Company.

Lot 2: Sold in September 1988 to Gilcrest Jewitt Lumber Company.

Lot 3: Northerly 25 feet sold in September 1988 to Gilcrest Jewitt Lumber Company.

Lot 3: Southerly 40 feet sold in December 2000 to the City of Des Moines.

Lot 4: Northerly 25 feet sold in September 1988 to Gilcrest Jewitt Lumber Company.

Lot 4: Southerly 40 feet sold in December 2000 to the City of Des Moines.

Lot 5: Sold in September 1988 to Gilcrest Jewitt Lumber Company.

Lot 6: Sold in September 1988 to Gilcrest Jewitt Lumber Company.

# **EXHIBIT O**

**DOCKET AB-6  
(Sub No. 401X)**

## **Chronological Listing of BNSF Sales of the Des Moines, Iowa Trackage Right of Way Without Retaining an Operating Easement**

**June 20, 2000**                      Sale of 0.71 mile of right of way from Milepost 67.50 –  
Milepost 0.40 to the City of Des Moines, Iowa in order to make way for the Martin  
Luther King Jr. Parkway. This right of way is shown as red on Exhibit A.