

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	June 27, 2011
	Agenda Item No.	46
	Roll Call No.	<u>11-1141</u>
	Communication No.	<u>Council Communication: 11-421</u>
	Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Continued hearing for conveyance of a License Agreement on City-owned property at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation for \$200.

SYNOPSIS:

Recommend approval for conveyance of a License Agreement on City-owned property at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, Bill Geneser, Ulteig Engineers, 215 East 21st Street, Madrid, IA, 50156 for \$200. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution. The City will not be inconvenienced by approval of the negotiated License Agreement.

FISCAL IMPACT:

Amount: \$200 Revenue

Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering – Real Estate Division.

ADDITIONAL INFORMATION:

Qwest Corporation owns and operates fiber optic equipment and lines within the street right-of-way of Oak Park Avenue that must be relocated. Qwest Corporation has requested a license agreement to use City-owned property at 1012 Oak Park Avenue (McHenry Park) for the relocation and for the placement of related utility equipment. The license area measures 17' by 14' for approximately 238 square feet, and the negotiated license agreement establishes a 15-year term commencing upon execution of the agreement by the City through April 30, 2026. The one-time lump sum payment of \$200 reflects the fair market value of the licensed area, as currently established by the City's Real Estate Division. The City can terminate the license agreement for cause, immediately upon notice, and without cause upon 120 days notice. Upon termination of the license agreement, Qwest is required to remove all improvements to the licensed area.



PREVIOUS COUNCIL ACTION(S):

Date: June 13, 2011

Roll Call Number: 11-1037

Action: [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and to continue to June 27, 2011 at 5:00 PM. ([Council Communication No. 11-389](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: May 23, 2011

Roll Call Number: 11-0932

Action: [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and to continue to June 13, 2011 at 5:00 PM. ([Council Communication No. 11-304](#)) Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: May 9, 2011

Roll Call Number: 11-0828

Action: [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and to continue to May 23, 2011 at 5:00 PM. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: April 25, 2011

Roll Call Number: 11-0676

Action: [On](#) conveyance of license agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200, (5-9-11). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: April 26, 2011

Resolution Number: 11-052

Action: Receive and file request from Qwest Corporation for a license agreement for fiber optic equipment and lines on City-owned property at 1012 Oak Park Avenue (McHenry Park).

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.