 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 5, 2016
	Agenda Item No.	49
	Roll Call No.	<u>16-2105</u>
	Communication No.	<u>16-689</u>
	Submitted by:	Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation of a portion of Court Avenue right-of-way adjoining 420 Court Avenue and approval of an amendment to the lease agreement with the Des Moines Bicycle Collective for the placement of a B-Cycle Program Kiosk in the vacated right-of-way for \$300.

SYNOPSIS:

Recommend approval of the vacation of a portion of Court Avenue right-of-way adjoining 420 Court Avenue and approval of an amendment to the lease agreement with the Des Moines Bicycle Collective, Jeremy Lewis, Executive Director, 506 E. 6th Street, Des Moines, Iowa, 50309, for the placement of a B-Cycle Program kiosk in the vacated City right-of-way, for \$300. This action is required by Iowa law prior to making a final determination on the proposed amendment to the lease agreement by resolution.

Des Moines Bicycle Collective wishes to amend the existing Lease Agreement with the City of Des Moines in order to place and maintain an additional B-Cycle Program bicycle kiosk in the vacated Court Avenue right-of-way adjoining 420 Court Avenue. The proposed amendment to the lease agreement is not expected to have any current or anticipated future impact on the City’s use of the vacated right-of-way.

FISCAL IMPACT:

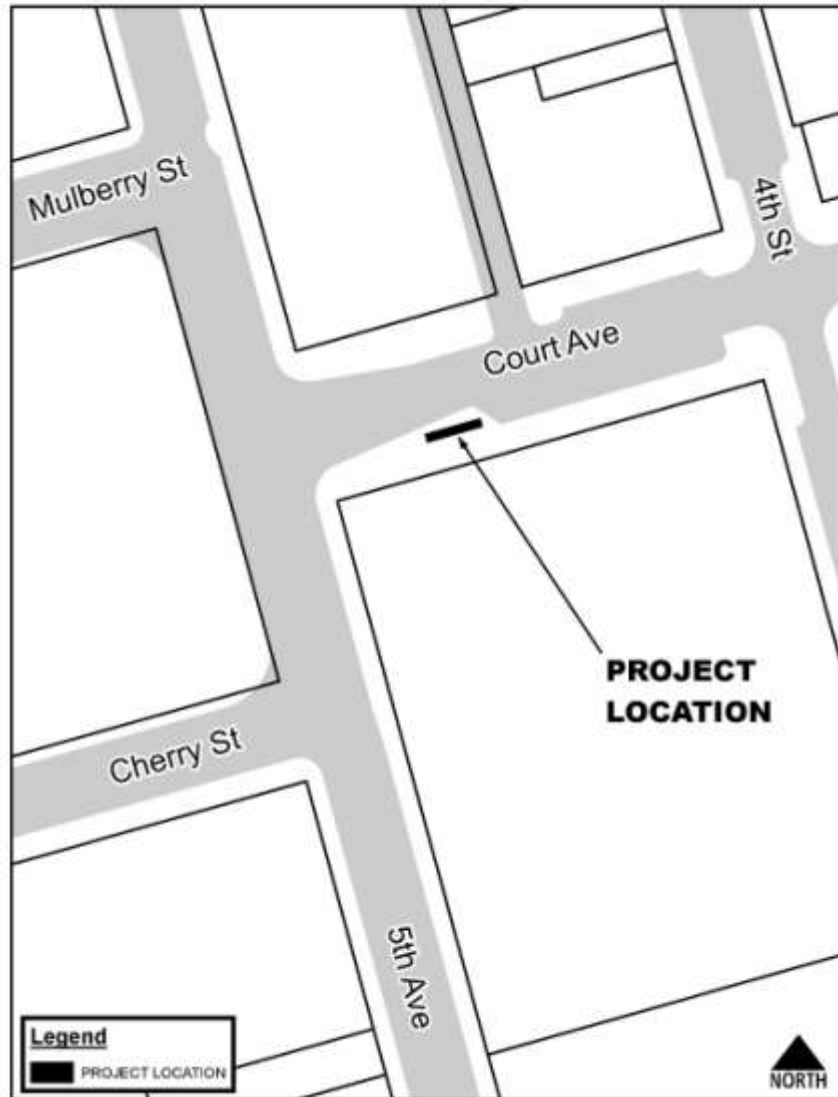
Amount: \$300 (Revenue)

Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

ADDITIONAL INFORMATION:

- On November 17, 2014, by Roll Call No. 14-1797, the City Council of the City of Des Moines, Iowa, approved a Lease Agreement with the Des Moines Bicycle Collective, as Lessee, for the placement and operation of the B-Cycle Program bicycle kiosks in various locations throughout the downtown Des Moines area, which Agreement terminates on November 30, 2019.
- The Des Moines Bicycle Collective wishes to amend the existing Lease Agreement in order to place and maintain an additional B-Cycle Program bicycle kiosk in City of Des Moines right-of-way located north of and adjoining 420 Court Avenue, Des Moines, Iowa.

- Pursuant to the negotiated terms of the Lease Agreement, the Des Moines Bicycle Collective will pay an upfront, one-time lump sum payment of \$300 to add the new B-Cycle Program bicycle kiosk in the City right-of-way north of and adjoining 420 Court Avenue to the Lease Agreement, which amount reflects fair market value of the Leased Premises as determined by the City's Real Estate Division. There is no current or anticipated public need for this property.



PREVIOUS COUNCIL ACTION(S):

Date: November 21, 2016

Roll Call Number: [16-1990](#)

Action: [On](#) vacation of a portion of Court Avenue right-of-way adjoining 420 Court Avenue and approval of an amendment to the lease agreement with the Des Moines Bicycle Collective for placement of a B-Cycle program kiosk in the vacated right-of-way, \$300. (12-5-16).

Date: November 17, 2014

Roll Call Number: [14-1797](#)

Action: [On](#) vacation of City right-of-way and approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way. (Continued from November 3, 2014) (Council Communication No. 14-539) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

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 first floor of City Administration Building, 400 E. Court Avenue Ste.116. 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.