 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	May 21, 2018
	Agenda Item No.	71
	Roll Call No.	<u>18-0933</u>
	Communication No.	<u>18-269</u>
	Submitted by:	Steven L. Naber, P.E., City Engineer

AGENDA HEADING:

Hold hearing for consideration of license agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way for \$6,000.

SYNOPSIS:

Recommend approval for consideration of a license agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way for \$6,000. The Des Moines Performing Arts has requested a license agreement under, over and across portions of Third Street and Locust Street to install vehicle impact protection devices within City Street right-of-way. This action is required by Iowa law prior to making a final determination on the proposed license agreement by resolution.

FISCAL IMPACT:

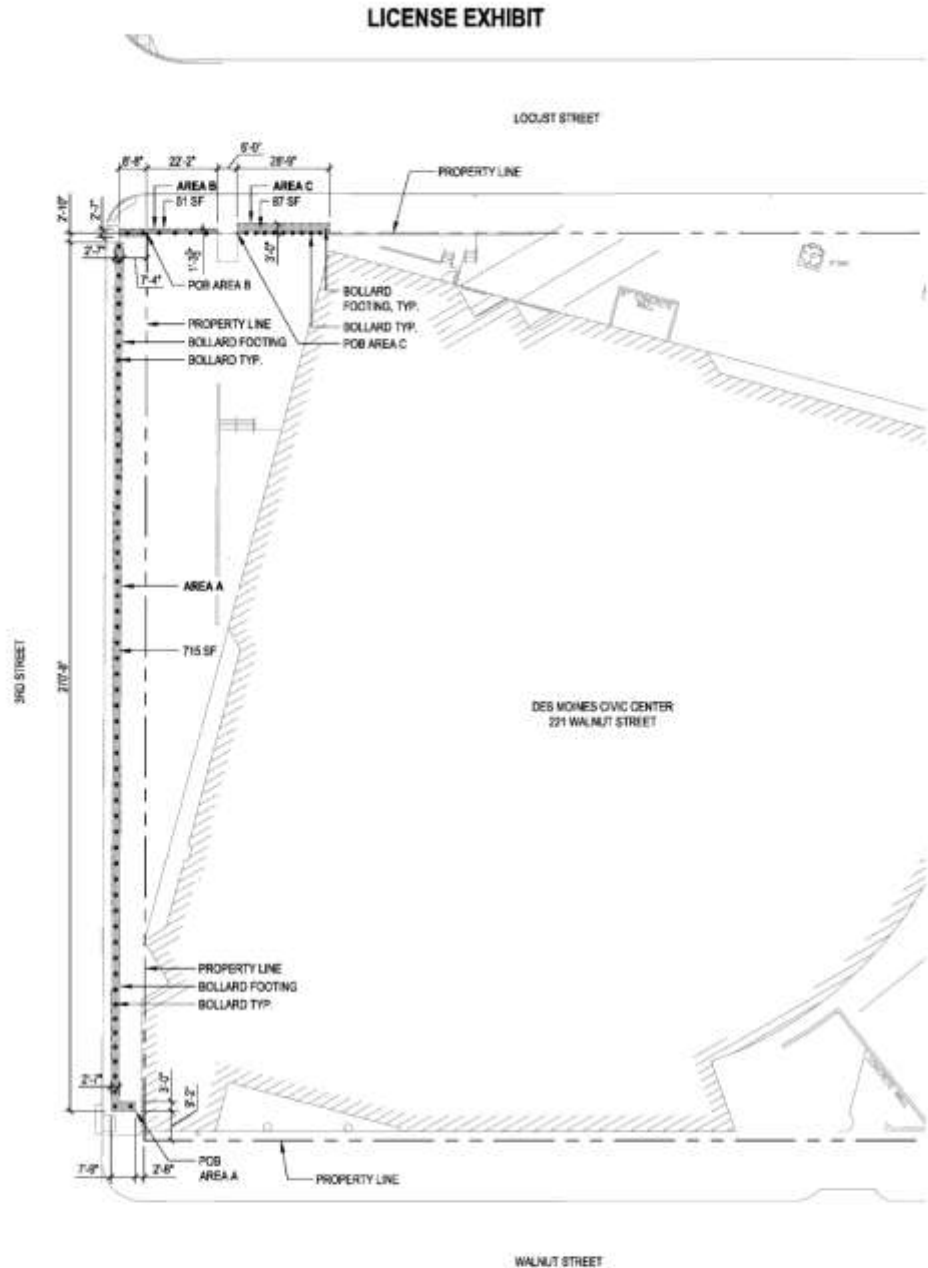
Amount: \$6,000 Revenue

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

ADDITIONAL INFORMATION:

- The vehicle protection devices consist of a subsurface footing and above ground bollard to be installed in the street right-of-way adjoining the Civic Center property. The final design and construction of the bollards is subject to approval by the City Engineer and all requirements of Chapter 102, Article VIII of the Municipal Code.
- The City’s Real Estate Division has negotiated a license agreement for the use of the licensed area with Des Moines Performing Arts as licensee. The agreement will include, among other items, a license term commencing from the execution of this license agreement by the City until October 24, 2075, which coincides with the date of expiration of Des Moines Performing Arts’ existing lease with the City for the adjoining Civic Center property. However, the City shall have the right to revoke the license, at any time, with 30 days’ notice and require Des Moines Performing Arts to remove the bollards from the licensed area, at no cost to the City.

- The license area consists of approximately 853 square feet, and the consideration of \$6,000 is equal to the estimated fair market value of the licensed area as determined by the City's Real Estate Division. There is no current public need or benefit for the licensed area and the public would not be inconvenienced because of the license agreement with Des Moines Performing Arts.



SCALE: 1" = 30'



NORTH



RDg
PLANNING & DESIGN

Project Number	Date	Sheet	Count
3001.780.00	4/30/2018	1 of 1	

DES MOINES CIVIC CENTER - 3RD STREET IMPROVEMENTS
DES MOINES PERFORMING ARTS

EXHIBIT

PREVIOUS COUNCIL ACTION(S):

Date: May 7, 2018

Roll Call Number: [18-0790](#), [18-0791](#), and [18-0792](#)

Action: [Amending](#) Chapter 102 of the Municipal Code to allow vehicle impact protection devices as encroachments. ([Council Communication No. 18-230](#)) Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes. Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,660](#). Motion Carried 6-1. Absent: Gatto.
- (B) [Setting](#) date of hearing on consideration of License Agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way, (5-21-18). Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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