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Date April 24, 2006

**HOLD HEARING TO GRANT A LICENSE AGREEMENT TO EDMUNDSON ART FOUNDATION, INC., D/B/A THE DES MOINES ART CENTER, FOR INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE FROM THE DES MOINES ART CENTER ACROSS GREENWOOD PARK IN ORDER TO INSTALL AND USE UP TO TWO VIDEO CAMERAS ON A POLE TO BE INSTALLED NEAR GREENWOOD POND FOR \$420.00**

**WHEREAS**, on April 10, 2006, by Roll Call No. 06- 632, it was duly resolved by the City Council that the proposed conveyance of a License Agreement for the term of 20 years to Edundson Art Foundation, Inc., d/b/a the Des Moines Art Center, for installation of underground fiber optic cable from the Des Moines Art Center across Greenwood Park in order to install and use up to two video cameras on a pole to be installed near Greenwood Pond, be set down for hearing on April 24, 2006, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey this License Agreement was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of this License Agreement as described below are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the conveyance of this License Agreement for a period from April 11, 2006 until December 31, 2025 to install underground fiber optic cable from the Des Moines Art Center across Greenwood Park in order to install and use up to two video cameras on a pole to be installed near Greenwood Pond, more specifically described as follows:

A 10' wide underground fiber optic cable license across part of the W 1/2 of the NE 1/4 of Section 12, Township 78 North, Range 25 West of the 5<sup>th</sup> P.M., City of Des Moines, Polk County, Iowa, said license centerline is described as follows: Commencing at the N 1/4 corner of said Section 12; thence (Assumed Bearing) N90°00'E, 804.84 feet; thence S00°00'E 463.00 feet to the Point of Beginning; thence S22°23'E, 78.44 feet; thence S08°31'E, 195.00 feet; thence S18°59'E, 49.00 feet; thence S00°52'W, 48.00 feet; thence S13°17'W, 94.00 feet; thence S04°22'W, 131.00 feet; thence S28°33'W, 151.00 feet; thence S15°20'W, 99.00 feet; thence S05°40'W, 76.00 feet; thence S18°02'W, 36.00 feet; thence S21°39'W, 137.00 feet; thence S09°35'W, 112.00 feet; thence S72°00'W, 74.00

DESCRIPTION APPROVED  
*[Signature]*  
5/24/06 01:45

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feet; thence S39°12'W, 71.00 feet; thence S13°27'W, 129.00 feet; thence S09°00'E, 88.00 feet to the end of license, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

3. That the conveyance of this License Agreement to Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for \$420.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:
4. The Mayor is authorized and directed to sign the License Agreement for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The City Clerk is authorized and directed to forward the original of this License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the License Agreement and copies of the other documents to the grantees.
8. The proceeds from the conveyance of this License Agreement will be deposited into the following account: 2006-2007 Operating Budget: Special Revenue Funds – Property Maintenance SP767, PKS161625, Page 310.

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(Council Communication No. 06-222)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

*DM*

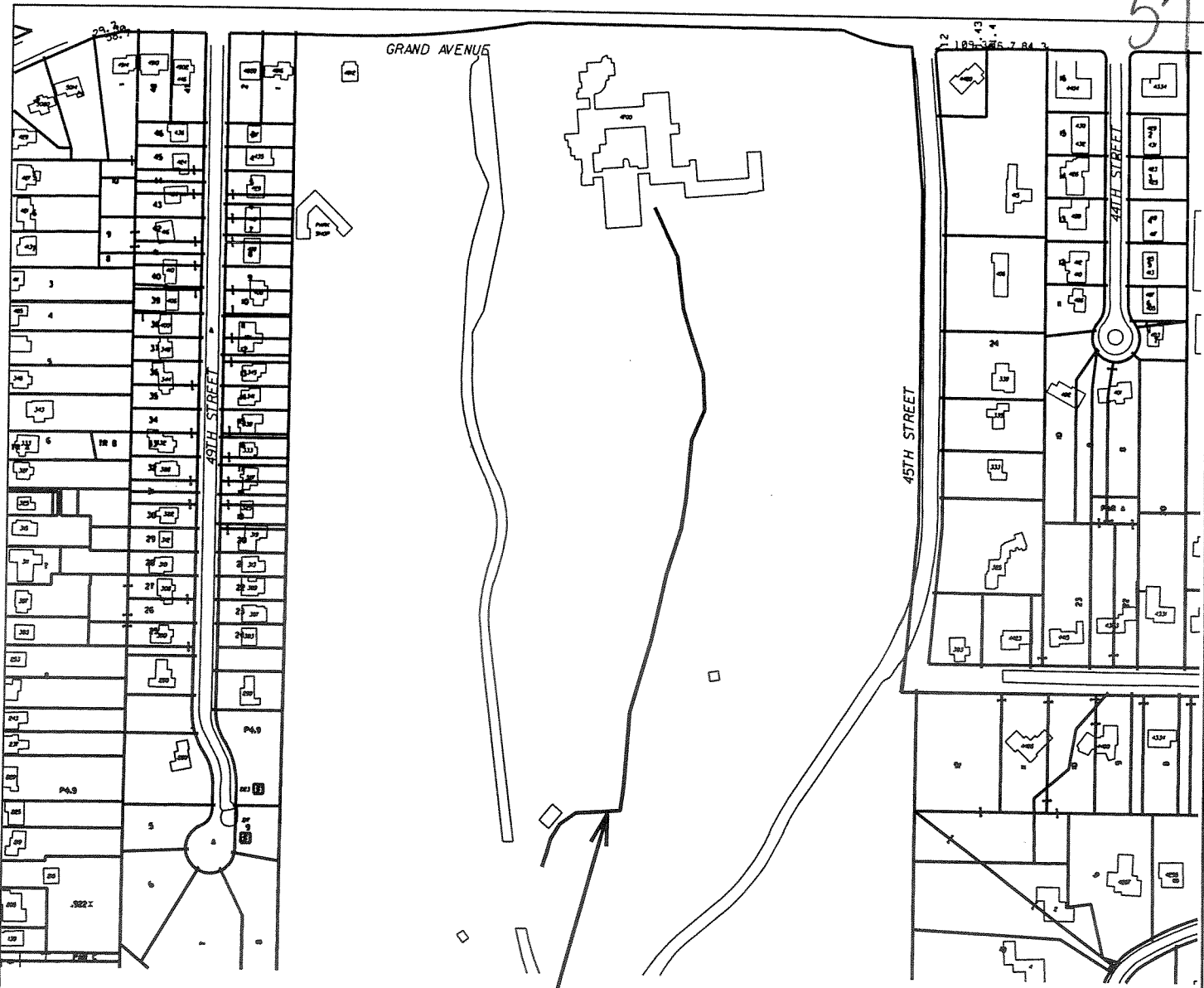
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

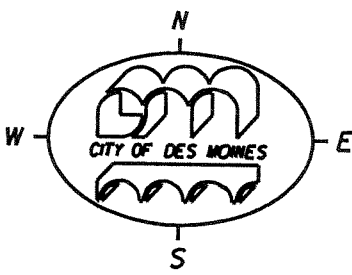
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk



**EASEMENT  
LOCATION**



**GREENWOOD PARK  
CABLE EASEMENT  
ACTIVITY I.D. 34-2006-035**