

Date November 3, 2014

**CONTINUANCE OF HEARING FOR APPROVAL OF A PROPOSED LEASE AGREEMENT
WITH THE DES MOINES BICYCLE COLLECTIVE FOR PLACEMENT OF B-CYCLE
PROGRAM KIOSKS ON CITY RIGHT-OF-WAY**

WHEREAS, the Des Moines Bicycle Collective wishes to lease portions of various City-owned street right-of-ways in Des Moines, Iowa, for the placement of and operation of the B-Cycle Program bicycle kiosks; and

WHEREAS, the City's Real Estate Division has negotiated a Lease Agreement with the Des Moines Bicycle Collective as Lessee, which Agreement will include, among other terms, a license term commencing upon execution by City of the Lease Agreement and terminating on November 30, 2019, and subject to termination by either party, with or without cause, upon thirty (30) calendar days written notice; and

WHEREAS, pursuant to the negotiated Lease Agreement, Des Moines Bicycle Collective shall use the Leased premises for the placement of and operation of the B-Cycle Program bicycle kiosks, in accordance with all applicable local, state and federal laws and requirements, including but not limited to site plan requirements, and in accordance with the agreement between the City of Des Moines and the Des Moines Bicycle Collective for development and completion of bicycle sharing stations approved by the Des Moines City Council on February 25, 2013, by Roll Call No. 13-0293, and on October 20, 2014, by Roll Call No. 14-1663 ("ICAAP Agreement) and further agrees to provide the following throughout the entire term of the Lease Agreement: (a) mow all grassed areas and trim and maintain all landscaping within the Leased Premises; (b) cut and remove any weeds growing on the Leased Premises; (c) keep the premises free from nuisances and debris; (d) maintain the premises in a clean, safe and attractive condition (e) clear snow, ice and other debris from and adjacent to the Leased Premises, including the adjacent sidewalks; and

WHEREAS, on October 6, 2014, by Roll Call No. 14-1561, it was duly resolved by the City Council that consideration of a proposed Lease Agreement with Des Moines Bicycle Collective, for placement of B-Cycle Kiosks at the intersection of 12th Street and Grand Avenue and the intersection of 10th Street and Walnut Street, Des Moines, Iowa, for \$1,000, be set down for hearing on October 20, 2014, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and lease the street right-of-ways located at the intersection of 12th Street and Grand Avenue and the intersection of 10th Street and Walnut Street, Des Moines, Iowa, was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on October 20, 2014, by Roll Call No. 14-1661, it was duly resolved by the City Council that the hearing for consideration of the proposed Lease Agreement be continued, in order to revise the locations of the B-Cycle kiosks, to November 3, 2014, at 5:00 p.m., in the City Council Chambers; and

Date November 3, 2014

WHEREAS, the Des Moines Bicycle Collective has revised and finalized the proposed B-Cycle kiosk locations, which are now to be located in a portion of the street right-of-ways on the east side of 13th Street, south of Grand Avenue; and on the north side of Walnut Street, east of 10th Street; and on the west side of 5th Avenue, north of Grand Avenue, Des Moines, Iowa; and


WHEREAS, pursuant to the negotiated revised Agreement, Des Moines Bicycle Collective shall pay an upfront, one-time lump sum payment of \$1,500.00 as consideration, which amount equals payment of one hundred dollars (\$100.00) per location, per year of this Lease Agreement, which amount reflects fair market value of the Leased Premises and terms as currently estimated by the City's Real Estate Division; and

WHEREAS, a further continuance of the public hearing is needed until the Council meeting on November 17, 2014, in order for the revised lease proposal to be published in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and lease with Des Moines Bicycle Collective for lease of a portion of the street right-of-ways located on the east side of 13th Street, south of Grand Avenue; and on the north side of Walnut Street, east of 10th Street; and on the west side of 5th Avenue, north of Grand Avenue, Des Moines, Iowa, be and is hereby continued to November 17, 2014, at 5:00 p.m. in the City Council Chambers.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Cori Kuhn Coleman, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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