

Date July 25, 2016

SET HEARING FOR CONSIDERATION OF LICENSE AGREEMENT WITH YOUTH AND SHELTER SERVICES, INC. ON A PORTION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 612 LOCUST STREET, FOR \$3,220

WHEREAS, Iowa Homeless Youth Centers, an affiliate of Youth and Shelter Services, Inc., operates a homeless youth drop-in center in the building at 612 Locust Street; and

WHEREAS, an existing stairway, concrete door stoop and related structural improvements of the building at 612 Locust Street currently encroach into a portion of the east-west alley right-of-way between 6th Avenue and 7th Street; and

WHEREAS, Youth and Shelter Services, Inc. has requested a license agreement under, over, across and below a portion of the east-west alley right-of-way lying between 6th Avenue and 7th Street south of and adjoining 612 Locust Street in order to mitigate the existing encroachment (herein "Licensed Premises"), as legally described below; and

WHEREAS, the City's Real Estate Division has negotiated a License Agreement (herein "Agreement") for the use of the Licensed Premises with Youth and Shelter Services, Inc. as licensee, which Agreement will include, among other terms, a license term commencing from the execution of this License Agreement by the CITY until December 31, 2036, with Youth and Shelter Services, Inc. having the unilateral right at its option to renew this License Agreement for one additional twenty (20) year term running from January 1, 2037 until December 31, 2057, and with both terms subject to termination for default and termination by either party, with or without cause, upon one-hundred eighty (180) days written notice; and

WHEREAS, pursuant to the negotiated Agreement, Youth and Shelter Services, Inc. shall pay an upfront, one-time lump sum payment of \$3,220.00 as consideration for the initial twenty (20) year license term, and an additional upfront, one-time lump sum payment of \$6,440.00 in the event that Youth and Shelter Services, Inc. exercises its option to renew the License Agreement, which amounts reflect fair market value of the Licensed Premises and terms as currently estimated by the City's Real Estate Division; and

WHEREAS, the City will not be inconvenienced by approval of the proposed License Agreement with Youth and Shelter Services, Inc.

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

1. The City Council of the City of Des Moines, Iowa proposes to enter into a License Agreement with Youth and Shelter Services, Inc. for the use of the east-west alley right-of-way lying between 6th Avenue and 7th Street south of and adjoining 612 Locust Street in order to mitigate an existing encroachment, for an initial twenty year term (through December 31, 2036) with an option to renew for an additional twenty year term (January 1, 2037 until December 31, 2057), and for consideration in the lump-sum license amount of \$3,220.00 for the initial term, and \$6,440.00 for the renewal term:



Roll Call Number

Agenda Item Number

23

Date July 25, 2016

The East 33.83 feet of the West 49.66 feet of the North 4.25 feet of the 16.5 foot wide East/West Alley adjacent to the East One-half (E 1/2) of Lot 2 in Block 12 in FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, containing 143.77 square feet more or less.

2. A public hearing will be held on August 8, 2016, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa,. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
4. Non-project related conveyance proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Lisa A. Wieland, Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			
_____ Mayor				

Grand Ave

6th Ave

**PROJECT
LOCATION**

Locust St

7th St

Walnut St

Legend

 PROJECT LOCATION

