

Date.....October 10, 2016

APPROVAL OF RENEWAL AGREEMENT TO LICENSE AGREEMENT WITH ISLAMIC CENTER OF DES MOINES FOR USE OF A PORTION OF GLENDALE CEMETERY TO BURY DECEASED MEMBERS OF THE ISLAMIC FAITH

WHEREAS, the City of Des Moines, acting through the Park and Recreation Department, owns and operates Glendale Cemetery; and

WHEREAS, on January 6, 1997, by Roll Call No. 97-074, the City Council approved a License Agreement between the City of Des Moines and the Islamic Center of Des Moines which conditionally grants the Islamic Center a license to use 527 spaces in Block 37B of Glendale Cemetery to bury members of the Muslim faith (License Agreement”); and

WHEREAS, the License Agreement was amended by Addendum on December 21, 1998, by Roll Call No. 98-3897 to permit burials without a vault or burial space liner and to permit certain variations in the burial process, and amended by Second Addendum by Roll Call No. 99-1692, on May 24, 1999, to permit additional variations in the burial process regarding the manner of digging graves and the handling the body into the grave; and

WHEREAS, the License Agreement terminates on the occurrence of either January 6, 2017, or use of all 527 burial spaces, or dissolution of the Islamic Center; with the Islamic Center having the right to exercise an option to renew the License Agreement; and

WHEREAS, 181 spaces have been used by the Islamic Center in block 37B and the Islamic Center desires to renew the License Agreement; and

WHEREAS, the City and the Islamic Center have agreed to renew the License Agreement for an initial term of five (5) years with up to three (3) additional five (5) year renewals for the payment of \$5,000 per renewal, subject to the continuing determination that \$5,000 provides fair market value during subsequent renewal terms, and Park and Recreation Department staff have negotiated a proposed Renewal Agreement, a copy of which is in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Renewal Agreement to License Agreement Between the City of Des Moines and Islamic Center of Des Moines, a copy of which is available in the City Clerk’s Office, is hereby approved and the Mayor is authorized and directed to sign the agreement on behalf of the City and the City Clerk is authorized and directed to attest to his signature.



Roll Call Number

Agenda Item Number

37

Date October 10, 2016

(Council Communication No. 16-577)

MOVED BY _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

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