

Date September 23, 2019

HOLD HEARING FOR CONSIDERATION OF A LICENSE AGREEMENT WITH 1817 EUCLID, L.L.C. FOR ACCESS ALONG A PORTION OF EXCESS CITY PROPERTY LOCATED EAST OF AND ADJOINING 1817 EUCLID AVENUE

WHEREAS, The City of Des Moines is the titleholder of certain real estate locally known as Polk County Tax Parcel No. 070/01355-001-000 and Geoparcel 7924-28-226-009, located east of and adjoining 1817 Euclid Avenue, Des Moines, Iowa and legally described as follows:

LOT 1 DES MOINES RIVERFRONT PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

hereinafter “Licensed Premises”; and

WHEREAS, Jeff Harclerode, managing member of 1817 Euclid, L.L.C. (hereinafter “Licensee”) and owner of 1817 Euclid Avenue, has asked the City of Des Moines (hereinafter “City”) for a license to access the Licensed Premises in order to provide his tenant with vehicular access to its business on the north half of 1817 Euclid Avenue; and

WHEREAS, the City’s Real Estate Division has negotiated a License Agreement with 1817 Euclid, L.L.C. (hereinafter “Licensee”) that would allow Licensee and his tenant to use the Licensed Premises for vehicular access to the north half of 1817 Euclid Avenue to serve the tenant improvements located thereon, which Agreement will include, among other terms, a ten-year term, either party may terminate the License Agreement upon thirty (30) days written notice, an annual payment of \$300.00, and additional consideration including the following:

- A) Pay for the installation of security equipment, including but not limited to lighting and cameras, at the northernmost gate on the Licensed Premises per the proposal from Electronic Engineering attached to the License Agreement as Exhibit B;
- B) Install and maintain a secure lock on the southernmost gate of the Licensed Premises. The gate is to be locked daily at 6:00 pm and may be reopened at 6:00 am. The City, Licensee, and Licensee’s tenants shall all be provided a key to said locked gate;
- C) Provide for all maintenance of the Licensed Premises including but not limited to mowing, brush and weed trimming, snow removal (which shall include snow removal for any sidewalks adjoining the Licensed Premises), and maintenance of the traveled driveway surface of the Licensed Premises; and

WHEREAS, the annual payment combined with the additional consideration to be provided by the lessee reflects the fair market value of the licensed area as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or anticipated public need for the City property located east of and adjoining 1817 Euclid Avenue, Des Moines, Iowa proposed to be licensed, and the City will not be inconvenienced by the licensing of said property; and

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WHEREAS, on September 9, 2019, by Roll Call No. 19-1400, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed license of the City property located east of and adjoining 1817 Euclid Avenue, Des Moines, Iowa, be set for hearing on September 23, 2019, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to license City property was given to all necessary parties 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 the proposed license, 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed license of the City property located east of and adjoining 1817 Euclid Avenue, Des Moines, Iowa, locally known as Polk County Tax Parcel No. 070/01355-001-000, as described herein, are hereby overruled and the hearing is closed.

2. The proposed license of the City property located east of and adjoining 1817 Euclid Avenue, Des Moines, Iowa, locally known as Polk County Tax Parcel No. 070/01355-001-000, as legally described and to the Licensee and for the consideration identified below, is hereby approved:

Licensee: 1817 Euclid, L.L.C.

Consideration: \$300.00, plus additional consideration as specified in the License Agreement.

Legal Description: LOT 1 DES MOINES RIVERFRONT PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The Mayor is authorized and directed to sign the License Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. Upon proof of payment of the consideration, the City Clerk 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 Real Estate Division of the Engineering Department.

5. 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.

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6. That the Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the License Agreement, and is further authorized and directed to approve and execute any non-substantive amendments to the License Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.

7. Non-project related land sale and lease 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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

LICENSE AREA

