

★ Roll Call Number
11-1037

Agenda Item Number
56

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Date June 13, 2011

FURTHER CONTINUANCE OF HEARING FOR CONVEYANCE OF A LICENSE AGREEMENT ON CITY-OWNED PROPERTY AT 1012 OAK PARK AVENUE (MCHENRY PARK) TO QWEST CORPORATION FOR \$200

WHEREAS, Qwest Corporation owns and operates fiber optic equipment and lines within the street right-of-way of Oak Park Avenue which lines must be relocated, and thus Qwest has requested a license agreement to use City-owned property at 1012 Oak Park Avenue (McHenry Park) for the relocation and for the placement of related utility equipment; and

WHEREAS, on April 25, 2011, by Roll Call No. 11-0676, it was duly resolved by the City Council that the proposed conveyance of the License Agreement be set down for hearing on May 9, 2011, at 5:00 p.m., in the City Council Chambers; and

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

WHEREAS, on May 9, 2011, by Roll Call No. 11-0828, the hearing on said proposal was continued to May 23, 2011, upon request by Qwest Corporation and City staff; and

WHEREAS, on May 23, 2011, by Roll Call No. 11-0932, the hearing on said proposal was further continued to June 13, 2011; and

WHEREAS, further review is needed by Qwest Corporation and the City's Legal Department and Risk Manager regarding insurance documentation and other agreement terms, and a further continuance of the public hearing until the Council meeting on June 27, 2011 has been requested.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for conveyance of a License Agreement with Qwest Corporation as described herein, be and is hereby continued to June 27, 2011, at 5:00 p.m. in the City Council Chambers.

Moved by Mahaffey to adopt.

(Council Communication No. 11-389)

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				APPROVED
<u>T. M. Franklin</u> 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.

Diane Rauh City Clerk