

★ Roll Call Number

12-0708

Agenda Item Number

33

Date May 7, 2012

RESOLUTION APPROVING ASSIGNMENT OF LICENSE AGREEMENT FOR A ENCROACHMENT BY THE KECK CITY CENTER BUILDING AT 500 GRAND AVENUE ONTO CITY PROPERTY

WHEREAS, the Keck City Center building at 500 Grand Avenue was inadvertently constructed with a 0.8 to 3.6 inch encroachment into the adjoining Grand Avenue right-of-way; and,

WHEREAS, in 1994, the City of Des Moines vacated the Grand Avenue right-of-way and granted the owner of the Keck City Center building a license for the use of the vacated right-of-way for the maintenance of the encroachment; and,

WHEREAS, the Keck City Center building is now owned by LSREF2 Baron, LLC, a Delaware limited liability company, and it is selling the building to 0906116 BC Ltd., a Canadian business, and has asked the City to consent to the assignment of the license to the buyer; and,

WHEREAS, the Keck City Center building is also subject to a Skywalk Agreement which runs with the land and must be assumed by the new buyer; and,

WHEREAS, LSREF2 Baron, LLC, has also requested that the City formally consent to the assignment of the Skywalk Agreement, but such consent is not required and is provided as a courtesy.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Mayor is hereby authorized and directed to sign the separate Consent to Assignment for both the assignment of the license and the assignment of the Skywalk Agreement.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

C:\Rog\Skywalk\Keck Bldg\RC 12-05-07 Approve Assignment.doc

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7).

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk