



**Roll Call Number**

14-1561

**Agenda Item Number**

13

**Date** October 6, 2014

**SET HEARING FOR APPROVAL OF A PROPOSED LEASE AGREEMENT WITH THE DES MOINES BICYCLE COLLECTIVE FOR PLACEMENT OF B-CYCLE PROGRAM KIOSKS ON CITY RIGHT-OF-WAY**

**WHEREAS**, CITY is the titleholder of certain street right-of-way located at the intersection of 12th Street and Grand Avenue and the intersection of 10th Street and Walnut Street, Des Moines, Iowa (Leased Premises); and

**WHEREAS**, the Des Moines Bicycle Collective wishes to lease the Leased Premises for the placement of and operation of the B-Cycle Program bicycle kiosks; and

**WHEREAS**, the City's Real Estate Division has negotiated a Lease Agreement with the Des Moines Bicycle Collective as Lessee, which Agreement will include, among other terms, a license term commencing upon execution by City of the Lease Agreement and terminating on November 30, 2019, and subject to termination by either party, with or without cause, upon thirty (30) calendar days written notice; and

**WHEREAS**, pursuant to the negotiated Lease Agreement, Des Moines Bicycle Collective shall use the Leased premises for the placement of and operation of the B-Cycle Program bicycle kiosks, in accordance with all applicable local, state and federal laws and requirements, including but not limited to site plan requirements, and in accordance with the agreement between the City of Des Moines and the Des Moines Bicycle Collective for development and completion of bicycle sharing stations approved by the Des Moines City Council on 2/25/13 by Roll Call No 3-0293 ("ICAAP Agreement) and further agrees to provide the following throughout the entire term of the Lease Agreement: (a) mowing of all grassed areas and trimming and maintenance of all landscaping within the Leased Premises; (b) cut and remove any weeds growing on the Leased Premises; (c) keep the premises free from nuisances and debris; (d) maintain the premises in a clean, safe and attractive condition (e) clearing of snow, ice and other debris from and adjacent to the Leased Premises, including the adjacent sidewalks; and

**WHEREAS**, the lease of the Leased Premises for the purposes described herein will not adversely affect the use of adjoining real estate by CITY for municipal purposes and the City will not be inconvenienced by approval of the proposed Lease Agreement with Des Moines Bicycle Collective.

**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 Lease Agreement with Des Moines Bicycle Collective for the use of City right-of-way located at the intersection of 12th Street and Grand Avenue and the intersection of 10th Street and Walnut Street, Des Moines, Iowa, as shown in the attached Exhibit A, for the placement of and operation of the B-Cycle Program bicycle kiosks.

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2. A public hearing will be held on October 20, 2014, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, 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 land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Cori Kuhn Coleman  
Cori Kuhn Coleman, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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