



Roll Call Number

16-1357

Agenda Item Number

48

Date August 8, 2016

**HOLD HEARING FOR CONSIDERATION OF LICENSE AGREEMENT WITH YOUTH AND SHELTER SERVICES, INC. ON A PORTION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 612 LOCUST STREET, FOR \$3,220**

**WHEREAS**, Iowa Homeless Youth Centers, an affiliate of Youth and Shelter Services, Inc., operates a homeless youth drop-in center in the building at 612 Locust Street; and

**WHEREAS**, an existing stairway, concrete door stoop and related structural improvements of the building at 612 Locust Street currently encroach into a portion of the east-west alley right-of-way between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street; and

**WHEREAS**, Youth and Shelter Services, Inc. has requested a license agreement under, over, across and below a portion of the east-west alley right-of-way lying between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street south of and adjoining 612 Locust Street in order to mitigate the existing encroachment (herein "Licensed Premises"), as legally described below; and

**WHEREAS**, the City's Real Estate Division has negotiated a License Agreement (herein "Agreement") for the use of the Licensed Premises with Youth and Shelter Services, Inc. as licensee, which Agreement will include, among other terms, a license term commencing from the execution of this License Agreement by the CITY until December 31, 2036, with Youth and Shelter Services, Inc. having the unilateral right at its option to renew this License Agreement for one additional twenty (20) year term running from January 1, 2037 until December 31, 2057, and with both terms subject to termination for default and termination by either party, with or without cause, upon one-hundred eighty (180) days written notice; and

**WHEREAS**, pursuant to the negotiated Agreement, Youth and Shelter Services, Inc. shall pay an upfront, one-time lump sum payment of \$3,220.00 as consideration for the initial twenty (20) year license term, and an additional upfront, one-time lump sum payment of \$6,440.00 in the event that Youth and Shelter Services, Inc. exercises its option to renew the License Agreement, which amounts reflect fair market value of the Licensed Premises and terms as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City will not be inconvenienced by approval of the proposed License Agreement with Youth and Shelter Services, Inc.; and

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1206, it was duly resolved by the City Council that consideration of the proposed Agreement be set down for hearing on August 8, 2016, at 5:00 p.m., in the City Council Chambers; and



Roll Call Number

16-1357

Agenda Item Number

48

Date August 8, 2016

**WHEREAS**, in accordance with City Council direction, those interested in the proposed license agreement, both for and against, have been given an opportunity to be heard 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed License Agreement with Youth and Shelter Services, Inc., as described below, are hereby overruled and the hearing is closed.

2. The public would not be inconvenienced by reason of a License Agreement between the City of Des Moines and Youth and Shelter Services, Inc., as on file in the office of the City Clerk, across a portion of the east-west alley right-of-way lying between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street south of and adjoining 612 Locust Street, legally described as follows, for the purpose of mitigating an existing stairway, concrete door stoop and related structural improvements encroachment, for an initial twenty year term (through December 31, 2036) with an option to renew for an additional twenty year term (January 1, 2037 until December 31, 2057), and for consideration in the lump-sum license amount of \$3,220.00 for the initial term, and \$6,440.00 for the renewal term, and said Agreement is hereby approved:

The East 33.83 feet of the West 49.66 feet of the North 4.25 feet of the 16.5 foot wide East/West Alley adjacent to the East One-half (E 1/2) of Lot 2 in Block 12 in FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, containing 143.77 square feet more or less.

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

4. 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 for the purpose of causing the documents to be recorded.

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 the documents to be recorded.

6. Non-project related conveyance proceeds are used to support general operating budget expenses:  
Org – EG064090.



Roll Call Number

16-1357

Agenda Item Number

48

Date August 8, 2016

(Council Communication No. 16-439)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Rau

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