



Roll Call Number

17-0380

Agenda Item Number

35A

Date March 6, 2017

RESOLUTION DIRECTING THE TERMINATION OF ALL EASEMENTS,
LEASES, LICENSES AND PERMITS FOR THE PRIVATE USE OF THE FIFTH
AND WALNUT PARKING GARAGE AND THE GROUNDS THEREOF

WHEREAS, on February 13, 2007, by Roll Call No. 17-0233, the City Council and approved a competitive process for the sale and redevelopment of the property containing the Fifth and Walnut Parking Garage at 422 Walnut Street, and received a redevelopment proposal from 5th and Walnut Parking, LLC, represented by Justin Mandelbaum, Manager, for the purchase and redevelopment of that property; and,

WHEREAS, the Fifth and Walnut Parking Garage is no longer safe for parking use and has been closed; and,

WHEREAS, any redevelopment of the property will require the demolition of the garage and the abandonment or relocation of all telecommunication lines and facilities now located on the property; and,

WHEREAS, on March 28, 1994, by Roll Call No. 94-1075, the City Council approved an Easement to U.S. West Communications, Inc., now known as Quest, which was recorded on April 4, 1994 in Book, 6991, at Page 559, for the placement of a telecommunications facility and buried cable on the Property, which Easement can only be terminated upon a 90 day notification from the Des Moines City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, as follows:

1. The City Council hereby exercises the City's right to terminate the Easement to U.S. West Communications, Inc., described above. The City Engineer or the City Engineer's designee is hereby authorized and directed to promptly give the required notice of termination of such Easement.
2. To the fullest extent allowed by law and any applicable agreements, the City Council hereby elects to cancel and terminate all other easements, leases, licenses and permits for the use or occupancy of any part of the property at 422 Walnut Street more specifically described below.

Lots 1 through 6 and the two intervening East/West alley rights-of-way, in Block 21, Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(continued)

★ Roll Call Number

17-0380

Agenda Item Number

35A

Date March 6, 2017

-2-

- 3. The City Engineer or the City Engineer's designee, in coordination with the City Legal Department, shall serve notice of such cancelation and termination as is appropriate and required under any such easement, license, license and permit.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown

Assistant City Attorney

G:\APPDATA\LEGAL\Urban-Renewal\Metro\Projects\5th & Walnut\Title\RC Terminate Esmts 2017-03-06.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

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 Cownie
Mayor

Diane Rauh
City Clerk