



Roll Call Number

17-1775

Agenda Item Number

50C

Date October 9, 2017

ACCEPTANCE OF ASSIGNMENT OF INTELLECTUAL PROPERTY RIGHTS TO DESIGN DOCUMENTS AND COPYRIGHT LICENSE TO SHOP DRAWINGS RELATED TO THE CITY HALL PARKING GARAGE, IN ACCORDANCE WITH LEASE PURCHASE AGREEMENT

WHEREAS, on April 11, 2016, under Roll Call No. 16-0634 thru 16-0638, the City Council held a public hearing on the proposed plans, specifications, and estimated cost of the Lease Purchase of the East 2nd and Grand Parking Garage and approval of a proposed Lease Purchase Agreement between the City of Des Moines, 101 East Grand Parking, LLC (Jake Christensen and Tim Rypma, officers and Jim Cownie, principal investor) ("Developer") and West Bank for disposition and redevelopment of City-owned parking lots east of City Hall in the Metro Center Urban Renewal Area ("Project"); and

WHEREAS, in accordance with Article VII section 7.2 of said Lease Purchase Agreement ("LPA"), Developer was required to acquire all intellectual property rights in the Design Documents and an unrestricted, perpetual, royalty free copyright license to Shop Drawings for the Project created by the Architect and Construction Manager, respectively, upon the Commencement Date of the Lease; and

WHEREAS, Developer has executed an Assignment of Intellectual Property Rights, Including Copyright Rights, to Design Documents for City Parking Garage, dated September 7, 2017 and Ryan Companies, US, Inc. has executed a Perpetual Copyright License for City of Des Moines Garage Shop Drawings, dated September 8, 2017, both effective upon the Commencement Date of the LPA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the attached Assignment of Intellectual Property Rights, Including Copyright Rights, to Design Documents for City Parking Garage, dated September 7, 2017, and Perpetual Copyright License for City of Des Moines Garage Shop Drawings, dated September 8, 2017, are hereby accepted and the Mayor is hereby authorized and directed to execute such on behalf of the City.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh