



Roll Call Number

17-1789

Agenda Item Number

58

Date October 9, 2017

**HOLD HEARING TO APPROVE A LICENSE AGREEMENT TO LICENSE A PORTION OF THE COMBINED SEWER SOLIDS SEPARATION FACILITY – BUILDING 02 LOCATED SOUTHWEST OF SOUTHEAST 25<sup>TH</sup> COURT AND C B & Q STREET FROM DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

**WHEREAS**, The Des Moines Metropolitan Wastewater Reclamation Authority (WRA) is the titleholder of certain real estate located southwest of Southeast 25<sup>th</sup> Court and C B & Q Street, and locally known as Combined Sewer Solids Separation Facility – Building 02 (hereinafter “Licensed Premises”); and

**WHEREAS**, the City of Des Moines, Iowa, (“CITY”) wishes to license the Licensed Premises for the purpose of installing and maintaining a point to point radio unit and related equipment for wifi connectivity atop the northwest corner of the roof of the Licensed Premises to serve the CITY’s Public Works Supply Yard Building located at 2200 SE 22<sup>nd</sup> Street, Des Moines, Iowa; and

**WHEREAS**, the term of the license shall commence upon the execution of the License Agreement by both parties until August 31, 2027, with one automatic five-year renewal to August 31, 2032; and

**WHEREAS**, there is no consideration associated with this license as long as CITY maintains its status as a member community of the WRA, and in the event CITY is no longer a member community of the WRA, then CITY shall be required to pay the lesser of the following during the remaining term of this Agreement: fair market rent to WRA in the amount of \$1,700 per month or the projected cost to the WRA resulting from the siting of the radio unit and related equipment; and

**WHEREAS**, on September 25, 2017 by Roll Call No. 17-1645 it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed approval of a license agreement to license the Licensed Premises be set down for hearing on October 9, 2017, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal was given as provided by law, setting forth the time and place for hearing on said proposal; and

**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 with respect thereto 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed approval of a license agreement with the Des Moines Wastewater Reclamation Authority to license a portion of the Combined Sewer Solids Separation Facility – Building 02 located southwest of



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Southeast 25<sup>th</sup> Court and C B & Q Street from Des Moines Metropolitan Wastewater Reclamation Authority, for a term that shall commence upon the execution of the License Agreement by both parties until August 31, 2027, with one automatic five-year renewal to August 31, 2032, and for no consideration as long as the City of Des Moines maintains its status as a member community of the WRA, are hereby overruled and the hearing is closed.

2. Said License Agreement with Des Moines Metropolitan Wastewater Reclamation Authority is hereby approved.
3. The Mayor is authorized and directed to sign the License Agreement, and the Chief Deputy City Clerk or the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Manager is authorized to sign any minor and non-substantial amendments to the License Agreement during its initial term or the automatic five-year renewal term.
5. The Chief Deputy City Clerk or 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.
7. The Real Estate Division Manager shall mail the original of the License Agreement and copies of the other documents to the WRA.
8. The Finance Director is hereby authorized to pay all future payments due under the License Agreement from the City's general fund.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland  
 Lisa A. Wieland, Assistant City Attorney

*FEW*

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

MOTION CARRIED 7 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