



Roll Call Number

19-0128

Agenda Item Number

20

Date January 28, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A LICENSE AGREEMENT FOR AN OVERHEAD CANOPY OVER 5TH AVENUE RIGHT-OF-WAY AND A LICENSE AGREEMENT FOR A POCKET PARK ON CITY PROPERTY ADJOINING 555 5TH AVENUE TO LT ASSOCIATES, L.P. FOR \$1,000.00

WHEREAS, LT Associates, L.P., owner of the air rights and the improvements located on 555 5th Avenue, has offered to the City of Des Moines ("City") \$500.00 for the purchase of a License to enter upon a 169 square foot portion of 5th Avenue right-of-way located west of and adjoining 555 5th Avenue (hereinafter "Property"), in order to maintain an overhead canopy, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

WHEREAS, LT Associates, L.P. has further offered to the City of Des Moines ("City") \$500.00 for the purchase of a License to enter upon a 275 square foot portion of excess City property located west of and adjoining 555 5th Avenue (hereinafter "Property"), in order to maintain a small pocket park, which price reflects the fair market value of the City Property as determined by the City's Real Estate Division; and

WHEREAS, said Licenses shall be for a term of twenty years; and

WHEREAS, the LICENSEE's use of the City right-of-way shall not unreasonably obstruct the right of travel which the general public has on any public property and shall not unreasonably interfere with or impede the flow of pedestrian traffic; and

WHEREAS, the City will not be inconvenienced by the conveyance of a license to use said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a License Agreement for a building canopy over and upon a 169 square foot portion of 5th Avenue right-of-way located west of and adjoining 555 5th Avenue, and a License Agreement for a pocket park over and upon a 275 square foot portion of excess City property located west of and adjoining 555 5th Avenue, as legally described, to the Licensee, and for the consideration identified below, subject to a reservation of easements therein:

Grantee: LT Associates, L.P.

Consideration: \$1,000.00

Legal Description:

CANOPY

A PARCEL OF LAND IN THE 5TH AVENUE RIGHT-OF-WAY ADJACENT TO THE WEST LINE OF LOT 9, THE NEW Y.M.C.A. PLAT, AN OFFICIAL PLAT RECORDED IN BOOK J, PAGE 19, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:



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COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID LOT 9; THENCE N09°05'44"W, 45.27 FEET ALONG THE WEST LINE OF SAID LOT 9 AND THE EAST RIGHT-OF-WAY LINE OF SAID 5TH AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING N09°05'44"W, 37.50 FEET ALONG SAID LINE TO A POINT; THENCE S80°54'16"W, 4.50 FEET TO A POINT; THENCE S09°05'44"E, 37.50 FEET TO A POINT; THENCE N80°54'16"E, 4.50 FEET TO THE POINT OF BEGINNING. AREA CONTAINS 169 SQUARE FEET.

POCKET PARK

A PARCEL OF LAND IN LOT 9, THE NEW Y.M.C.A. PLAT, AN OFFICIAL PLAT RECORDED IN BOOK J, PAGE 19, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID LOT 9; THENCE N09°05'44"W, 65.77 FEET ALONG THE WEST LINE OF SAID LOT 9 AND THE EAST RIGHT-OF-WAY LINE OF 5TH AVENUE TO THE POINT OF BEGINNING; THENCE CONTINUING N09°05'44"W, 19.50 FEET ALONG SAID LINE TO A POINT; THENCE N80°41'18"E, 14.08 FEET TO A POINT ON THE WEST SIDE OF THE EXISTING LIGUTTI TOWER BUILDING; THENCE S09°18'42"E, 19.50 FEET ALONG SAID BUILDING LINE TO A POINT; THENCE S80°41'18"W, 14.15 FEET ALONG THE NORTH SIDE OF THE ELEVATOR TOWER OF SAID BUILDING TO THE POINT OF BEGINNING. AREA CONTAINS 275 SQUARE FEET.

- 2. A public hearing shall be held on February 11, 2019, 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 said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
- 4. Proceeds from this conveyance will be used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
J. M. Frank 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