



Roll Call Number

19-1255

Agenda Item Number

62

WITHDRAWN

Date

August 5, 2019

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) AND THE CITY OF DES MOINES FOR THE CONVEYANCE OF A STORM SEWER EASEMENT WITHIN 101 LOCUST STREET FROM GSA TO THE CITY IN CONSIDERATION OF THE CITY'S CONVEYANCE OF CITY-OWNED PROPERTY ADJOINING 101 LOCUST STREET**

**WHEREAS**, GSA is the owner of property locally known as 101 Locust Street (hereinafter "GSA Property") upon which it plans to construct a new Federal Courthouse; and

**WHEREAS**, a City of Des Moines storm sewer runs diagonally across the whole of the GSA Property, however, there is no recorded easement for this purpose; and

**WHEREAS**, the City of Des Moines ("City") is owner of an approximately 25-foot-wide by 270-foot-long strip of land lying between the east property line of the GSA Property and the west line of the Principal Riverwalk ("City Property"); and

**WHEREAS**, GSA has presented the City with a Memorandum of Agreement committing to convey a 30-foot-wide storm sewer easement within the GSA Property to the City at no cost, in consideration of the City vacating and conveying the City Property, subject to the following conditions:

1. The City Property shall be open for public use during the hours that the Principal Riverwalk is open to the public.
2. The design and development of the City Property shall be subject to a site plan approved by the City Manager.
3. Reservation of an easement within the City Property for all existing utilities in place until such time that they are abandoned or relocated at no cost to the City.
4. Reservation of a Permanent Access Easement over the City Property for all activities related to the purpose of the City constructing, reconstructing, repairing, enlarging, and maintaining, including snow storage, the adjoining Principal Riverwalk improvements.
5. The final terms of the offer to purchase, quit claim deed, and easement shall be subject to the review and approval of both the FSA and City legal departments.
6. The conveyance of the City Property and the acceptance of the easement are subject to City Council approval as well as all statutory requirements for the City to convey real estate.

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

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1. The Memorandum of Agreement by and between the General Services Administration and the City of Des Moines is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the Memorandum of Agreement on behalf of the City of Des Moines.
2. The City of Des Moines Real Estate Division be and is hereby authorized to proceed with the necessary activities and negotiations toward finalizing and agreement with GSA on the terms and conditions of the permanent easement within the GSA Property to be conveyed to the City of Des Moines and the City Property to be conveyed to GSA.

(Council Communication No. 19-351)

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Lisa A. Wieland*

Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			
	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.

\_\_\_\_\_  
City Clerk