

WITHDRAWN



Roll Call Number

19-1316

Agenda Item Number

20

Date August 19, 2019

SET HEARING FOR CONSIDERATION OF LICENSE AGREEMENT WITH POLK COUNTY FOR PLACEMENT OF RAISED CONCRETE SECURITY CURB SECTIONS WITHIN CHERRY STREET RIGHT-OF-WAY ADJOINING TAX PARCEL NO. 020/01145-002-000 FOR THE POLK COUNTY CRIMINAL COURTS BUILDING

WHEREAS, Polk County, Iowa, has requested a license agreement under, across and below a portion of Cherry Street right-of-way located south of and adjoining Tax Parcel No. 020/01145-002-000, in order to construct raised concrete curb sections that will provide a protective barrier between the traveled portion of the public street right-of-way and the Polk County Criminal Courts building (herein "Licensed Premises"), as legally described below; and

WHEREAS, the City's Real Estate Division has negotiated a License Agreement (herein "Agreement") for the use of the Licensed Premises with Polk County, Iowa as licensee, which Agreement will include, among other terms, a license term commencing upon execution by City of the License Agreement and terminating on August 31, 2069, subject to termination for default, or if the City Engineer determines that the Licensed Premises shall be required for public use, or for any other reason in the CITY's interest, or termination by either party, with or without cause, upon one-hundred eighty (180) days written notice; and

WHEREAS, pursuant to Iowa Code §364.7(3) Polk County, Iowa shall pay no consideration for said Agreement; and

WHEREAS, the City will not be inconvenienced by approval of the proposed License Agreement with Polk County, Iowa.

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

1. The City Council of the City of Des Moines, Iowa, proposes to enter into a License Agreement with Polk County, Iowa, at no cost with a 50-year term, for the use of a portion of Cherry Street right-of-way located south of and adjoining Tax Parcel No. 020/01145-002-000 for the purpose of constructing and maintaining raised concrete curb sections that will provide a protective barrier between the traveled portion of the public street right-of-way and the Polk County Criminal Courts building.
2. A public hearing will be held on September 9, 2019, at 5:00 p.m. in the City Council Chamber, 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 the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
4. There are no proceeds associated with this transaction.



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Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RON

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