

★ **Roll Call Number**

21-0780

Agenda Item Number

28

Date May 24, 2021

SET HEARING FOR CONSIDERATION OF APPROVAL OF A MEMORANDUM OF AGREEMENT AND LICENSE WITH THE UNITED STATES OF AMERICA, BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION FOR INSTALLATION AND MAINTENANCE OF CERTAIN IMPROVEMENTS ASSOCIATED WITH THE FEDERAL COURTHOUSE PROJECT AT 101 LOCUST STREET

WHEREAS, the United States of America, acting by and through the General Services Administration (“GSA”) is the owner of the property locally known as 101 Locust Street, Des Moines, Iowa upon which it is constructing a new federal courthouse; and

WHEREAS, the City of Des Moines owns and maintains the Grand Avenue right-of-way located north of and adjoining 101 Locust Street (“Licensed Premises”); and

WHEREAS, GSA wishes to license the Licensed Premises for the purpose of installing and maintaining certain improvements associated with the federal courthouse including a site bench, four (4) trees and landscaping with associated irrigation, four (4) pedestrian light poles and bases, and four (4) area drains with associated piping, hereinafter sometimes referred to collectively as “improvements”; and

WHEREAS, the City will not be inconvenienced by the license of said City 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 grant a license to use a portion of Grand Avenue right-of-way to the United States of America, acting by and through the General Services Administration, to allow for the installation, display and maintenance of the improvements, for a fixed term commencing from the date the Memorandum of Agreement and License (“License Agreement”) is signed by the City, until December 31, 2071, which License Agreement shall automatically renew without any further action by either party for one additional fifty (50) year term provided that the GSA is not in default of the terms of the License Agreement as determined by the CITY.
2. City acknowledges that GSA’s proposed use of the Licensed Premises is for the public purpose of a federal courthouse and that GSA shall pay to CITY One Dollar (\$1.00) for the entire term of this Agreement, in accordance with Iowa Code 364.7(3).
3. A public hearing shall be held on June 14, 2021, 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.

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Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

4. 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.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

pw

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

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk