

★ Roll Call Number

21-0915

Agenda Item Number

67

Date June 14, 2021

HOLD 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 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, Des Moines, Iowa (“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 Property; and

WHEREAS, on May 24, 2021 by Roll Call No. 21-0780, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on June 14, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and; and

WHEREAS, due notice of said proposal to enter into a Memorandum of Agreement and License with the United States of America, acting by and through the General Services Administration was given to all necessary parties 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 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 Memorandum of Agreement and License by and between City of Des Moines and the United States of America, acting by and through the General Services Administration, of a portion of the Grand Avenue right-of-way adjoining 101 Locust Street, Des Moines, Iowa, are hereby overruled and the hearing is closed.

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2. The public would not be inconvenienced by reason of the City of Des Moines entering into a Memorandum of Agreement and License with the United States of America, acting by and through the General Services Administration, for use of a portion of the Grand Avenue right-of-way located north of and adjoining 101 Locust Street to install and maintain 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.
3. The Mayor is authorized and directed to sign the Memorandum of Agreement and License as identified above, and 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 Memorandum of Agreement and License.
5. The City Clerk is authorized and directed to forward the original of the Memorandum of Agreement and License, 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 for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Memorandum of Agreement and License, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Memorandum of Agreement and License, and a copy of the other documents to the GSA.

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Moved by Gatto to adopt.

APPROVED AS TO FORM:

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

PW

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
J. M. Franke, Mayor

P. Kay Cmelik City Clerk