

★ Roll Call Number

23-0827

Agenda Item Number

27

Date June 12, 2023

**SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH SHERMAN HILL ASSOCIATION, INC. TO ALLOW FOR THE REPLACEMENT OF THE EXISTING STREET LIGHT SYSTEM WITH A DECORATIVE LIGHTING SYSTEM WITHIN THE STREET RIGHT-OF-WAY BORDER AREA IN PARTS OF THE SHERMAN HILL NEIGHBORHOOD**

**WHEREAS**, The City of Des Moines (“CITY”) is the titleholder of certain real estate (“Licensed Premises”) located within the street right-of-way border area in the Sherman Hill neighborhood, excluding Ingersoll Avenue and Martin Luther King, Jr. Parkway; and

**WHEREAS**, Sherman Hill Association, Inc., an Iowa non-profit corporation, and a recognized City of Des Moines neighborhood association, wishes to license the Licensed Premises for the purpose of replacing the existing street light system with a decorative lighting system; and

**WHEREAS**, the CITY has negotiated a License Agreement (“Agreement”) with Sherman Hill Association, Inc., to allow for the replacement of the existing MidAmerican Energy standard lighting system with a decorative lighting system, which Agreement will include, among other terms, the following:

- An initial four-year term;
- An option to renew the license congruently with the Sherman Hill Self-Supported Municipal Improvement District (SHSSMID), as established in the City’s Ordinance No. 15,618;
- The right of either party to terminate the Agreement prior to the end of the fixed license term, with or without cause, upon thirty (30) days written notice to the other party; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be licensed, and the City will not be inconvenienced by the license of 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 license a portion of the street right-of-way border area in the Sherman Hill neighborhood, excluding Ingersoll Avenue and Martin Luther King, Jr. Parkway, subject to a reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement.

2. A public hearing shall be held on June 26, 2023, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.



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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.

Moved by Gatto to adopt. Second by Mandelbaum.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

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

CERTIFICATE

I, Laura Baumgartner, 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.

Signature of J. M. Franklin Cownie, Mayor

Signature of Laura Baumgartner, City Clerk