



Roll Call Number

23-0896

Agenda Item Number

18

Date June 26, 2023

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SET HEARING VACATION OF A SEGMENT OF 7TH STREET RIGHT-OF-WAY ADJOINING 201 7TH STREET AND APPROVAL OF A LEASE AGREEMENT WITH THE STREET COLLECTIVE FOR THE PLACEMENT OF B-CYCLE PROGRAM BICYCLE KIOSKS ON VACATED CITY RIGHT-OF-WAY

WHEREAS, on November 17, 2014, by Roll Call No. 14-1797, the City Council of the City of Des Moines, Iowa, approved a Lease Agreement with the Des Moines Bicycle Collective, as Lessee, for the placement of and operation of the B-Cycle Program bicycle kiosks in various locations throughout the downtown Des Moines area, which Agreement expired on November 30, 2019; and

WHEREAS, on December 6, 2016 said lease agreement was amended to include an additional B-Cycle Program bicycle kiosk location north of and adjoining 420 Court Avenue, Des Moines, Iowa; and

WHEREAS, on February 20, 2020 the City of Des Moines, Iowa approved a new lease agreement with the Street Collective, formerly known as Des Moines Bicycle Collective as Lessee, for the placement of and operation of the B-Cycle Program bicycle kiosks in various locations throughout the downtown Des Moines area, which Agreement expired on November 30, 2022; and

WHEREAS, the City of Des Moines and the Street Collective have negotiated the terms of a new Lease Agreement (hereinafter "Agreement"), which Agreement includes the placement of an additional B-Cycle Program bicycle kiosk in vacated City right-of-way located on the east side of 7th Street south of Walnut Street adjoining 201 7th Street; and

WHEREAS, the new Agreement shall have a term of ten (10) years and the Street Collective shall pay \$750.00 per year of the Agreement, which amounts to \$150.00 per B-Cycle Program bicycle kiosk location, as consideration; and

WHEREAS, there is no known current or future public need for the City right-of-way proposed to be vacated, and the lease of the vacated City right-of-way for the purposes described herein will not adversely affect the use of adjoining real estate by City for municipal purposes, and the City will not be inconvenienced by approval of the proposed Lease Agreement with the Street Collective.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a portion of street right-of-way located on the east side of 7th Street south of Walnut Street adjoining 201 7th Street, Des Moines, Iowa, legally described as follows:

THAT PART OF 7TH STREET RIGHT-OF-WAY LYING WEST OF LOT 1, BLOCK 11, FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:



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COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 15°(DEGREES) 25'(MINUTES) 57"(SECONDS) EAST ALONG THE WEST LINE OF SAID LOT, 13.29 FEET; THENCE SOUTH 74°34'30" WEST, 12.44 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°25'57" EAST, 29.00 FEET; THENCE SOUTH 74°34'03" WEST, 7.00 FEET; THENCE NORTH 15°25'57" WEST, 29.00 FEET; THENCE NORTH 74°34'03" EAST, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 203 SQUARE FEET.

- 2. The City Council of the City of Des Moines, Iowa, further proposes to consider approval of the Lease Agreement with Street Collective, formerly known as Des Moines Bicycle Collective, for placement of B-Cycle Program bicycle kiosks in various sections of vacated right-of-way throughout the downtown Des Moines area for \$750.00 per year, as legally described below, subject to reservation of easements therein:

Legal Description – Location 1 (East Side of 13th St, South of Grand Ave)

A PART OF THE VACATED 13th STREET RIGHT OF WAY LYING IN LOT 4, FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 TO A POINT ON THE EAST RIGHT OF WAY LINE OF 13TH STREET, AS PRESENTLY ESTABLISHED; THENCE CONTINUING WEST ALONG SAID SOUTH LINE, 4 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 10 FEET TO THE POINT OF BEGINNING; THENCE WEST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET; THENCE NORTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 30 FEET; THENCE EAST AND PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 6 FEET; THENCE SOUTH AND PARALLEL TO SAID EAST RIGHT OF WAY LINE, 30 FEET TO THE POINT OF BEGINNING.

Legal Description – Location 2 (North Side of Walnut St, East of 10th St)

A PART OF THE VACATED WALNUT STREET RIGHT OF WAY LYING SOUTH OF LOT 8, BLOCK 5, WEST FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 8, 75 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID SOUTH LINE, 10 FEET TO THE POINT OF BEGINNING; THENCE EAST AND PARALLEL TO SAID SOUTH LINE, 36 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID SOUTH LINE, 6 FEET; THENCE WEST AND PARALLEL TO



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SAID SOUTH LINE, 36 FEET; THENCE NORTH AND PERPENDICULAR TO SAID SOUTH LINE, 6 FEET TO THE POINT OF BEGINNING.

Legal Description – Location 3 (East Side of 7th St, South of Walnut St.)

THAT PART OF VACATED 7TH STREET RIGHT-OF-WAY LYING WEST OF LOT 1, BLOCK 11, FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 15°(DEGREES) 25'(MINUTES) 57"(SECONDS) EAST ALONG THE WEST LINE OF SAID LOT, 13.29 FEET; THENCE SOUTH 74°34'30" WEST, 12.44 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°25'57" EAST, 29.00 FEET; THENCE SOUTH 74°34'03" WEST, 7.00 FEET; THENCE NORTH 15°25'57" WEST, 29.00 FEET; THENCE NORTH 74°34'03" EAST, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 203 SQUARE FEET.

Legal Description – Location 4 (West Side of 5th Ave, North of Grand Ave)

A PART OF THE VACATED 5TH AVENUE RIGHT OF WAY LYING EAST OF LOT 9, ALHAMBRA NO.2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 9, SAID CORNER LYING ON THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE, 5.03 FEET TO THE WEST RIGHT OF WAY LINE OF 5TH AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE, 130 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID WEST RIGHT OF WAY LINE, 37 FEET; THENCE EAST AND PERPENDICULAR TO SAID WEST RIGHT OF WAY LINE, 6 FEET; THENCE SOUTH AND PARALLEL TO SAID WEST RIGHT OF WAY LINE, 37 FEET; THENCE WEST AND PERPENDICULAR TO SAID WEST RIGHT OF WAY LINE, 6 FEET TO THE POINT OF BEGINNING;

Legal Description – Location 5 (North of and Adjoining 420 Court Avenue)

A PART OF THE VACATED COURT AVENUE RIGHT OF WAY IN FORT DES MOINES, AN OFFICIAL PLAT, AND LYING NORTH OF BLOCK 20 OF SAID FORT DES MOINES, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:



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COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 20; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID BLOCK 20, A DISTANCE 65 FEET; THENCE NORTHWESTERLY AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 6 FEET; THENCE NORTHEASTERLY AND PARALLEL TO SAID NORTH LINE, A DISTANCE OF 37 FEET; THENCE SOUTHEASTERLY AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 6 FEET; THENCE SOUTHWESTERLY AND PARALLEL TO SAID NORTH LINE, A DISTANCE OF 37 FEET TO THE POINT OF BEGINNING.

3. That the meeting of the City Council at which the adoption of said ordinance and the approval of said Lease Agreement is to be considered shall be on July 17, 2023, said meeting to be held 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.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt. Second by Voss.

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.

J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk