



Roll Call Number

23-1248

Agenda Item Number

24

Date September 11, 2023

SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH BRITTANY-ANN LYNN BARAJAS-LAKOSE FOR USE OF A PORTION OF UNDEVELOPED ARTHUR AVENUE RIGHT-OF-WAY LOCATED SOUTH OF AND ADJOINING 2503 EAST 24TH STREET

WHEREAS, The City of Des Moines ("CITY") is the titleholder of certain undeveloped Arthur Avenue right-of-way located south of and adjoining 2503 East 24th Street ("Licensed Premises"); and

WHEREAS, Brittany-Ann Lynn Barajas-Lakose, the owner of 2503 East 24th Street wishes to license the Licensed Premises for the purpose of expanding her sideyard; and

WHEREAS, the CITY has negotiated a License Agreement ("Agreement") with Brittany-Ann Lynn Barajas-Lakose to allow the use of the undeveloped right-of-way as sideyard only, which Agreement will include, among other terms, the following:

- An initial fixed five-year term at a rate of \$100.00 per year;
• An option to renew the license for one additional five-year term at a rate of \$110.00 per year;
• The responsibility of the Licensee to keep the Licensed Premises clean, neat and in good condition;
• 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 the undeveloped Arthur Avenue right-of-way located south of and adjoining 2503 East 24th Street, 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 October 2, 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.

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.

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Moved by Gatto to adopt. Second by Boesen

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, VOSS, WESTERGAARD, and TOTAL.

Handwritten signature of J. M. Franklin Cownie, Mayor, and 'MOTION CARRIED APPROVED' stamp.

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.

Handwritten signature of Laura Baumgartner, City Clerk.