

24-0797

15

Date June 3, 2024

**SET HEARING FOR APPROVAL OF THE FIRST AMENDMENT TO LICENSE AGREEMENT WITH THE DES MOINES AREA REGIONAL TRANSIT AUTHORITY (DART) FOR BUS BENCHES IN STREET RIGHT-OF-WAY**

**WHEREAS**, on April 10, 2023, by Roll Call No. 23-0537, the City Council of the City of Des Moines approved a license agreement with the Des Moines Area Regional Transit Authority (DART) for the placement of bus benches and in some locations, trash receptacles and concrete pads in the City of Des Moines right-of-way for a one-time lump sum payment of one hundred dollars (\$100.00) for a twenty (20) year term, subject to a reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement; and

**WHEREAS**, DART benches were placed at the following ten (10) locations with DART reserving the right to add bench locations to the Agreement based on ridership, feasibility, and availability:

- University Avenue and 2nd Avenue, Westbound
- 6th Avenue and Holcomb Avenue, Southbound
- E. 14th Street and Walker Street, Southbound
- Hubbell Avenue and E. 38th Street, Eastbound
- E. 30th Street and Walker Street, Southbound
- E. Army Post Road and SE 5th Street Westbound
- E 33rd Street and E. University Avenue, Southbound
- Indianola Avenue and SE 14th Street, Southbound
- Woodland Avenue and 12th Street (Far-Side), Westbound
- Locust Street and 9th Street Eastbound; and

**WHEREAS**, subsequently DART has removed two (2) bench locations and added sixteen (16) additional bench locations making the total licensed premises twenty-four (24), outlined as follows:

- University Avenue and 2nd Avenue, Westbound
- 6th Avenue and Holcomb Avenue, Southbound
- E. 14th Street and Walker Street, Southbound
- E. 30th Street and Walker Street, Southbound
- E. Army Post Road and SE 5th Street Westbound
- E 33rd Street and E. University Avenue, Southbound
- Indianola Avenue and SE 14th Street, Southbound
- Locust Street and 9th Street, Eastbound
- E. Euclid Avenue and E 14<sup>th</sup> Street Westbound
- 6<sup>th</sup> Avenue and Douglas Avenue, Northbound
- 6<sup>th</sup> Avenue and Mercy Hospital, Northbound
- 6<sup>th</sup> Avenue and University Avenue, Northbound
- 6<sup>th</sup> Avenue and Park Street, Northbound
- Ingersoll Avenue and 42<sup>nd</sup> Street, Westbound
- 6<sup>th</sup> Avenue and Euclid Avenue, Southbound
- 6<sup>th</sup> Avenue and Locust Street, Northbound

- University Avenue and Martin Luther King Jr. Parkway
- E. Euclid Avenue and 33rd Street
- University Avenue and 11<sup>th</sup> Street, Westbound
- E. Grand Avenue and E. 14<sup>th</sup> Street, Westbound
- E. Grand Avenue and E. 14<sup>th</sup> Street, Eastbound
- University Avenue and 17<sup>th</sup> Street
- Martin Luther King Jr. Parkway and Forest Avenue (Far-Side)
- E. 42<sup>nd</sup> Street and Hubbell Avenue (Mid-Block); and

WHEREAS, 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 amend the License Agreement with Des Moines Area Regional Transit Authority (DART) to remove two (2) bench locations and add sixteen (16) additional bench locations to the original License Agreement, making the total licensed premises twenty-four (24), subject to all terms and conditions contained in the original License Agreement.
2. A public hearing shall be held on June 17, 2024, 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.
4. There are no proceeds associated with this action.



**Roll Call Number**

24-0797

**Agenda Item Number**

15

**Date** June 3, 2024

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

**APPROVED AS TO FORM:**

*/s/ Mackenzie L. Moreno* \_\_\_\_\_  
Mackenzie L. Moreno  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	APPROVED			

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk