

HOLD 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 thirteen (13) additional locations making the total licensed premises twenty-one (21), outlined as follows:

- University Avenue and 2nd Avenue, Westbound
- 6th Avenue and Holcomb Avenue, 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
- 6th Avenue and Douglas Avenue, Northbound
- 6th Avenue and Mercy Hospital, Northbound
- 6th Avenue and University Avenue, Northbound
- 6th Avenue and Park Street, Northbound
- Ingersoll Avenue and 42nd Street, Westbound
- 6th Avenue and Euclid Avenue, Southbound
- 6th Avenue and Locust Street, Northbound
- University Avenue and Martin Luther King Jr. Parkway
- University Avenue and 11th Street, Westbound



Roll Call Number

24-0994

Agenda Item Number

60

Date July 15, 2024

- E. Grand Avenue and E. 14th Street, Westbound
- E. Grand Avenue and E. 14th Street, Eastbound
- University Avenue and 17th Street
- Martin Luther King Jr. Parkway and Forest Avenue (Far-Side)
- E. 42nd Street and Hubbell Avenue (Mid-Block); and

WHEREAS, the City will not be inconvenienced by the license of said Property; and

WHEREAS, on June 17, 2024, by Roll Call No. 24-0865, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed First Amendment to License Agreement be set for hearing on July 15, 2024, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to amend said License Agreement between the City of Des Moines, Iowa and DART to remove two (2) bench locations and add thirteen (13) additional bench locations, making the total licensed premises twenty-one (21) 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 conveyance, 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 First Amendment to License Agreement between the City of Des Moines, Iowa and Des Moines Area Regional Transit Authority (DART), to remove two (2) bench locations and add thirteen (13) additional bench locations, making the total licensed premises twenty-one (21), subject to all terms and conditions contained in the original License Agreement, as described herein, are hereby overruled and the hearing is closed.
2. The First Amendment to License Agreement between the City of Des Moines, Iowa and Des Moines Area Regional Transit Authority (DART) on file in the office of the City Clerk is hereby approved.
3. The Mayor is hereby authorized and directed to sign the First Amendment to License Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. There are no proceeds associated with this action.

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Moved by Coleman to adopt. Second by Gatto.

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 | 7 | | | |

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.

MOTION CARRIED APPROVED
Carl B. Protom
Mayor
Protom

Laura Baumgartner City Clerk