

★ **Roll Call Number**

25-0264

Agenda Item Number

24

Date February 24, 2025

SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH CAPITAL CITY PRIDE-DES MOINES FOR USE OF A PORTION OF STREET RIGHT-OF-WAY AT EAST GRAND AVENUE AND EAST 5TH STREET FOR A TEMPORARY ART INSTALLATION

WHEREAS, the City of Des Moines (“City”) is the titleholder of certain street right-of-way (“Licensed Premises”) located at East Grand Avenue and East 5th Street; and

WHEREAS, Capital City Pride-Des Moines, an Iowa non-profit corporation, wishes to license the Licensed Premises for the purpose of updating the temporary art project consisting of painted sidewalks titled “Pride Sidewalks” and extending the term of the agreement, the 2025 concept has been approved by the Public Art Foundation of Greater Des Moines; and

WHEREAS, on May 6, 2024, by Roll Call No. 24-0692 City Council approved a Temporary License Agreement (“License Agreement”) with Capital City Pride-Des Moines that allowed for the original art project installation and display, which that License Agreement included a fixed term from May 7, 2024 until September 30, 2025; and

WHEREAS, the City has renegotiated a Temporary License Agreement (“Agreement”) with Capital City Pride-Des Moines to allow for new installation and extended display of the temporary art project, which Agreement will include, among other terms, the following:

- A fixed 3-year term, on the date that the City signs this document through March 9, 2028.
- The artwork requires annual review and approval by the Public Art Foundation of Greater Des Moines and if the Public Art Foundation does not grant their annual approval, Capital City Pride would be responsible for the removal of the artwork.
- 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, the City and Capital City Pride propose to terminate the existing License Agreement upon the entry of the renegotiated Agreement; 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 at East Grand Avenue and East 5th Street, legally described as follows, subject to the reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement:

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A1 – Northwest corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING EAST OF AND SOUTH OF BLOCK 10, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREA -, AND AS SHOWN ON THE ATTACHED EXHIBIT A1.

A2 – Northeast corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING WEST OF AND SOUTH OF BLOCK 17, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE ADA RAMP AREAS-, AND AS SHOWN ON THE ATTACHED EXHIBIT A2.

A3 – Southeast corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING WEST OF AND NORTH OF BLOCK 18, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREAS -, AND AS SHOWN ON THE ATTACHED EXHIBIT A3.

A4 – Southwest corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING EAST OF AND NORTH OF BLOCK 9, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREA -, AND AS SHOWN ON THE ATTACHED EXHIBIT A4.

2. A public hearing shall be held on March 10, 2025, 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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Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (YEAS: 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
Connie Breen Mayor

Laura Baumgartner
Laura Baumgartner, City Clerk