

Date April 21, 2025

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**SET HEARING FOR APPROVAL OF A NON-EXCLUSIVE LICENSE AGREEMENT
WITH QUIKTRIP CORPORATION FOR USE OF A PORTION OF UNIVERSITY
AVENUE AND 6TH AVENUE RIGHT-OF-WAY ADJOINING 614 UNIVERSITY AVENUE
AND 1190 6TH AVENUE FOR SNOW MELTING, DE-ICING, AND IRRIGATION
IMPROVEMENTS FOR \$550.00**

WHEREAS, the City of Des Moines, Iowa (hereinafter “CITY”) is the titleholder of certain University Avenue and 6th Avenue right-of-way adjoining 614 University Avenue and 1190 6th Avenue, Des Moines Iowa (“Licensed Premises”), further described below; and

WHEREAS, QuikTrip Corporation, an Oklahoma corporation, a tenant of 614 University Avenue and 1190 6th Avenue, Des Moines, Iowa (hereinafter “LICENSEE”), has installed snow melting, de-icing, and irrigation improvements (hereinafter “IMPROVEMENTS”), within City right-of-way to serve their adjacent properties at 614 University Avenue and 1190 6th Avenue; and

WHEREAS, the CITY is undertaking the construction of the 6th Avenue Improvements from School Street to University Avenue Project (“Project”), which requires the removal and reinstallation of the Improvements in the Licensed Premises along 6th Avenue during construction of the Project; and

WHEREAS, the City’s Real Estate Division has negotiated a Non-Exclusive License Agreement with QuikTrip Corporation, for the continued use of Improvements in the Licensed Premises, which Agreement includes, among other terms, the following:

- A perpetual term subject to right of termination by the City upon sixty (60) days written notice and the occurrence of one of the following: (1) destruction of the property, (2) sale or abandonment of the property by QuikTrip Corporation, or (3) a need for the property by the City for municipal use; 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, that:

1. The City Council of the City of Des Moines, Iowa, proposes to license a portion of University Avenue and 6th Avenue right-of-way adjoining 614 University Avenue and 1190 6th Avenue, subject to the reservation of easements therein, and further subject to all terms and conditions contained in the Non- Exclusive License Agreement, legally described as follows:

THE EAST 16.0 FEET OF LOT 5, SAUCERMAN’S SUBDIVISION OF THE NORTH 2 ACRES OF LOT 1 OF THE OFFICIAL PLAT OF THE NE 1/4 OF NW 1/4 SEC 4-78-24 & OF LOT 7 ULRICH’S ADDITION, OFFICIAL PLAT,



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AND

THE SOUTH 50.0 FEET OF THE WEST 9.0 FEET OF THE EAST 42.0 FEET OF LOT 2 IN THE OFFICIAL PLAT OF THE NE FR 1/4 OF THE NW FR 1/4 OF SEC 4-T78R24, AN OFFICIAL PLAT,

NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1,250 SQUARE FEET.

2. A public hearing shall be held on May 5, 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.
3. 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.
4. Non-project related license proceeds are used to support general operating budget expenses: Org -EG061074.

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Grant Hyland

Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

[Signature]

Mayor

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.

[Signature]

Laura Baumgartner, City Clerk