

25-0693

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Date May 5, 2025

HOLD 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 (“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 which is owned by Vosburgh Family, L.P, a Kansas limited partnership (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; and

WHEREAS, on April 21, 2025, by Roll Call No. 25-0583, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed license of said street right-of-way be set for hearing on May 5, 2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, there is no known current or future public need for the portion of University Avenue and 6th Avenue right-of-way proposed to be licensed, and the City will not be inconvenienced by the license of said property; and



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WHEREAS, in accordance with City Council direction, those interested in the proposed license, 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 license of said Property, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be licensed, and the public would not be inconvenienced by reason of the license of a portion of street right-of way of University Avenue and 6th Avenue adjoining 614 University Avenue and 1190 6th Avenue, Des Moines, Iowa, legally described as follows, to QuikTrip Corporation, subject to reservation of easements therein, and further subject to all terms and contained in the Non-Exclusive License Agreement:

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,
 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.

3. The Mayor is authorized and directed to sign the Non- Exclusive License Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor’s signature.
4. The City Clerk is authorized and directed to forward the original of the Non- Exclusive License Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.
5. The Real Estate Division Manager shall mail the original of the Non- Exclusive License Agreement and copies of the other documents to the Licensee.
8. Non-project related license proceeds are used to support general operating budget expenses:
 Org –EG061074.



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Moved by Coleman to adopt. Second by Simonson.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (7 yeas).

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk