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**Date** May 24, 2021

**SET HEARING FOR CONSIDERATION OF APPROVAL OF A MEMORANDUM OF AGREEMENT AND LICENSE WITH THE UNITED STATES OF AMERICA, BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION FOR INSTALLATION AND MAINTENANCE OF CERTAIN IMPROVEMENTS ASSOCIATED WITH THE FEDERAL COURTHOUSE PROJECT AT 101 LOCUST STREET**

**WHEREAS**, the United States of America, acting by and through the General Services Administration (“GSA”) is the owner of the property locally known as 101 Locust Street, Des Moines, Iowa upon which it is constructing a new federal courthouse; and

**WHEREAS**, the City of Des Moines owns and maintains the Grand Avenue right-of-way located north of and adjoining 101 Locust Street (“Licensed Premises”); and

**WHEREAS**, GSA wishes to license the Licensed Premises for the purpose of installing and maintaining certain improvements associated with the federal courthouse including a site bench, four (4) trees and landscaping with associated irrigation, four (4) pedestrian light poles and bases, and four (4) area drains with associated piping, hereinafter sometimes referred to collectively as “improvements”; and

**WHEREAS**, the City will not be inconvenienced by the license of said City 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 grant a license to use a portion of Grand Avenue right-of-way to the United States of America, acting by and through the General Services Administration, to allow for the installation, display and maintenance of the improvements, for a fixed term commencing from the date the Memorandum of Agreement and License (“License Agreement”) is signed by the City, until December 31, 2071, which License Agreement shall automatically renew without any further action by either party for one additional fifty (50) year term provided that the GSA is not in default of the terms of the License Agreement as determined by the CITY.
2. City acknowledges that GSA’s proposed use of the Licensed Premises is for the public purpose of a federal courthouse and that GSA shall pay to CITY One Dollar (\$1.00) for the entire term of this Agreement, in accordance with Iowa Code 364.7(3).
3. A public hearing shall be held on June 14, 2021, 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.

**★ Roll Call Number**

**Agenda Item Number**

**28**

**Date** May 24, 2021

Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

4. 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.

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
Lisa A. Wieland, Assistant City Attorney

*PW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

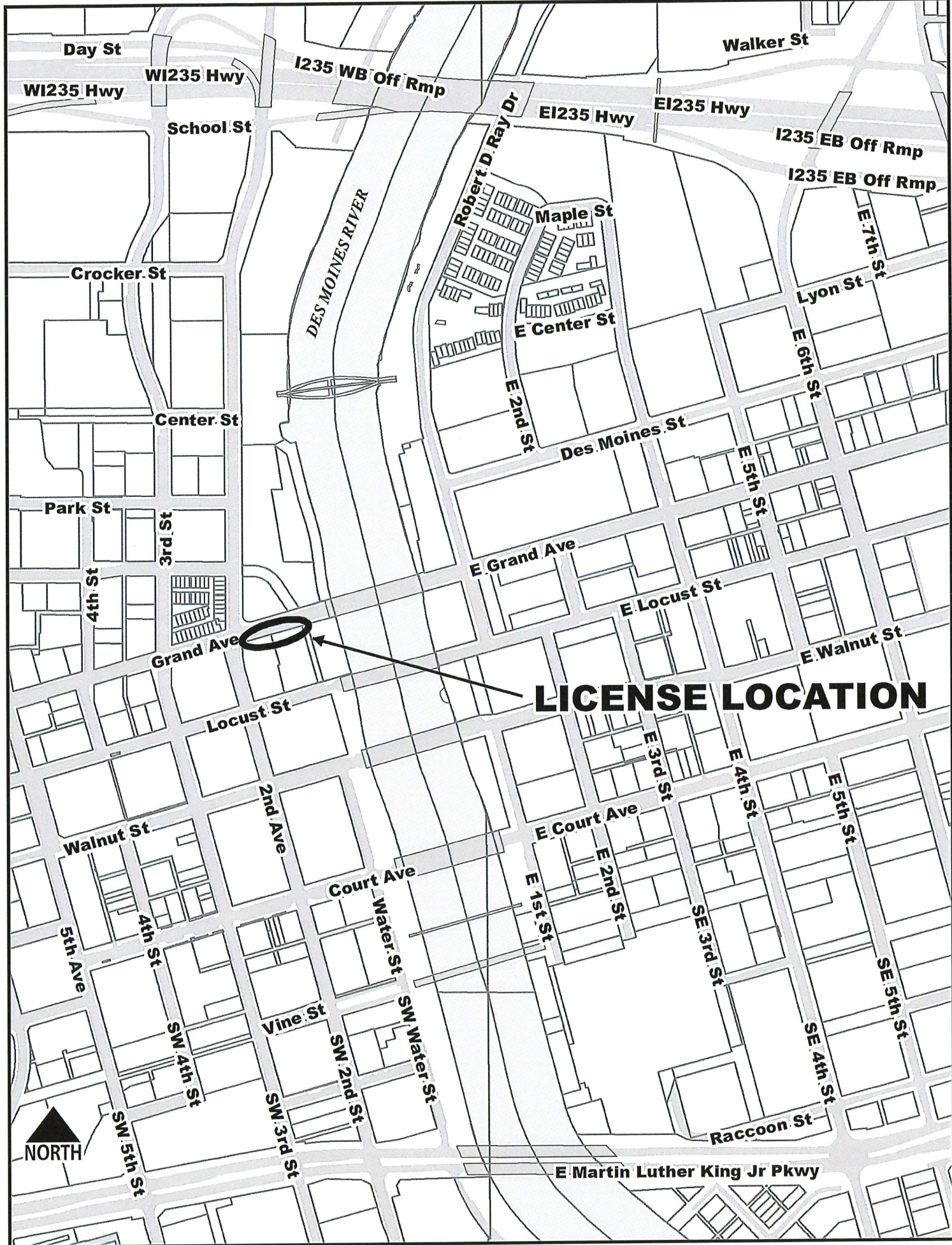
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

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



REGISTER ORDER NO. \_\_\_\_\_ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF PROPOSAL TO CONVEY LICENSE IN RIGHT-OF-WAY

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider approval of a Memorandum of Agreement and License with the United States of America, acting by and through the General Services Administration (“GSA”), for use of a portion of Grand Avenue right-of-way located north of and adjoining 101 Locust Street, Des Moines, Iowa, for \$1.00, to allow for the installation and maintenance of certain improvements associated with the new federal courthouse at 101 Locust Street, subject to the terms and conditions of said license agreement, for the public purpose of a federal courthouse.

NOTICE IS FURTHER GIVEN that the City Council will consider the approval of the proposed license agreement after a public hearing to be held at 5:00 p.m. on June 14, 2021 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. In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. June 10, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the June 14, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

PUBLISHED IN THE DES MOINES REGISTER ON \_\_\_\_\_.