



Roll Call Number

22-1885

Agenda Item Number

26

Date December 12, 2022

SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH WATERBURY NEIGHBORHOOD ASSOCIATION IN A PORTION OF INGERSOLL AVENUE RIGHT-OF-WAY LOCATED WEST OF POLK BOULEVARD ADJOINING 600 POLK BOULEVARD AND 601 48TH STREET FOR \$1,000

WHEREAS, on June 29, 2018, the City of Des Moines, Iowa approved a one-year license agreement with the Waterbury Neighborhood Association (hereinafter “WNA”) for use of a portion of Ingersoll Avenue right-of-way located west of Polk Boulevard, south of and adjoining 600 Polk Boulevard and 601 48th Street for the purpose of installing and maintaining streetscape improvements, including landscaping, limestone blocks, lighting, benches, and an irrigation system and related equipment (hereinafter “Property”); and

WHEREAS, the license agreement was subsequently renewed for a three-year term, which term expired on May 31, 2022 leading WNA to ask that the license be renewed, this time for a ten-year term; and

WHEREAS, the City’s Real Estate Division has negotiated a License Agreement (“Agreement”) with Waterbury Neighborhood Association, a recognized City of Des Moines neighborhood association, for the continued use and maintenance of a portion of the right-of-way along the north side of Ingersoll Avenue west of Polk Boulevard adjoining 600 Polk Boulevard and 601 48th Street, which Agreement will include, among other terms, the following:

- a ten (10) year term;
- a one-time lump sum payment of One Thousand Dollars (\$1,000.00), which amounts reflect the fair market value of the licensed premises as currently estimated by the City’s Real Estate Division;
- the right of either party to terminate the Agreement prior to the end of the fixed license term, with or without cause, upon sixty (60) days written notice to the other party; 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 Ingersoll Avenue right-of-way located west of Polk Boulevard adjoining 600 Polk Boulevard and 601 48th Street, to Waterbury Neighborhood Association, for a one-time lump sum payment of One Thousand Dollars (\$1,000.00), subject to a reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement.



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2. A public hearing shall be held on January 9, 2023, 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.

Please check the posted agenda in advance of the January 9, 2023 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.

3. 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.

4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. All YEAS cells are checked.

MOTION CARRIED APPROVED
J. M. Frankel Coover 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.

Laura Baumgartner
Laura Baumgartner, City Clerk