



Roll Call Number

23-1249

Agenda Item Number

25

Date September 11, 2023

SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH 113 SW 8TH STREET, LLC FOR USE OF A PORTION OF VINE STREET RIGHT-OF-WAY LOCATED BETWEEN SOUTHWEST 7TH STREET AND SOUTHWEST 8TH STREET

WHEREAS, The City of Des Moines (“CITY”) is the titleholder of certain Vine Street right-of-way located between Southwest 7th Street and Southwest 8th Street and adjoining 113 Southwest 8th Street (“Licensed Premises”), legally described as follows:

THE SOUTH 8.75 FEET OF THE PLATTED VINE STREET RIGHT OF WAY LYING NORTH OF AND ADJOINING BLOCK 5 OF FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 0.06 ACRES (2,454 SQUARE FEET)
; and

WHEREAS, 113 SW 8th Street, LLC, an Iowa limited liability company, wishes to license the Licensed Premises for the purpose of installing and maintaining a solid panel fence and associated landscaping to provide a buffer between the 113 Southwest 8th Street and nearby railroad tracks; and

WHEREAS, the CITY has negotiated a License Agreement (“Agreement”) with 113 SW 8th Street, LLC, to allow for the fence and associated landscaping, which Agreement will include, among other terms, the following:

- An initial fixed ten-year term at a rate of \$3,100.00 per year;
- An option to renew the license for one additional ten-year term at a rate of \$4,125.00 per year;
- 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, 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 Vine Street right-of-way located between Southwest 7th Street and Southwest 8th Street and adjoining 113 Southwest 8th Street, subject to a reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement.

2. A public hearing shall be held on October 2, 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



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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. 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 Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

J. M. Frank 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