

★ Roll Call Number

24-0581

Agenda Item Number

26

Date April 15, 2024

SET HEARING FOR APPROVAL OF A LICENSE AGREEMENT WITH CAPITAL CITY PRIDE-DES MOINES FOR USE OF A PORTION OF STREET RIGHT-OF-WAY AT EAST GRAND AVENUE AND EAST 5TH STREET FOR A TEMPORARY ART INSTALLATION

WHEREAS, the City of Des Moines (“CITY”) is the titleholder of certain street right-of-way (“Licensed Premises”) located at East Grand Avenue and East 5th Street; and

WHEREAS, Capital City Pride-Des Moines, an Iowa non-profit corporation, wishes to license the Licensed Premises for the purpose of installing and displaying a temporary art project consisting of painted sidewalks tentatively titled “Pride Sidewalks, which concept has been approved by the Public Art Foundation of Greater Des Moines; and

WHEREAS, the CITY has negotiated a Temporary License Agreement (“Agreement”) with Capital City Pride-Des Moines to allow for installation and display of the temporary art project, which Agreement will include, among other terms, the following:

- A fixed term from May 7, 2024 until September 30, 2025;
- 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 the street right-of-way at East Grand Avenue and East 5th Street, legally described as follows, subject to the reservation of easements therein, and further subject to all terms and conditions contained in the License Agreement:

A1 – Northwest corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING EAST OF AND SOUTH OF BLOCK 10, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - ***EXCEPT*** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREA -, AND AS SHOWN ON THE ATTACHED EXHIBIT A1.

★ Roll Call Number

24-0581

Agenda Item Number

26

Date April 15, 2024

A2 – Northeast corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING WEST OF AND SOUTH OF BLOCK 17, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE ADA RAMP AREAS-, AND AS SHOWN ON THE ATTACHED EXHIBIT A2.

A3 – Southeast corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING WEST OF AND NORTH OF BLOCK 18, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREAS -, AND AS SHOWN ON THE ATTACHED EXHIBIT A3.

A4 – Southwest corner of intersection

A PART OF THE EAST 5TH STREET RIGHT OF WAY AND THE EAST GRAND AVENUE RIGHT OF WAY LYING EAST OF AND NORTH OF BLOCK 9, EAST FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, - **EXCEPT** FOR THE EXISTING PLANTER AREA AND ADA RAMP AREA -, AND AS SHOWN ON THE ATTACHED EXHIBIT A4.

2. A public hearing shall be held on May 6, 2024, 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.

★ Roll Call Number
24-0581

Agenda Item Number
26

Date April 15, 2024

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

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

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

MOTION CARRIED

APPROVED

Connie Boesen 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