

**CITY COUNCIL  
COMMUNICATION:**

**02-490**

**AGENDA:**

SEPTEMBER 9, 2002

**SUBJECT:**

VACATION AND  
LEASE OF PUBLIC  
RIGHT-OF-WAYS TO  
DOWNTOWN  
PRESERVATION  
PARTNERS, L.L.C.

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

RICHARD CLARK  
DEPUTY CITY  
MANAGER

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

On the September 9, 2002 Council agenda is a roll call to vacate and lease a portion of 10<sup>th</sup> Street between Locust Street and Grand Avenue, and a roll call to lease a portion of the north/south alley located immediately west of Masonic Temple, 1011 Locust, to the Developer of the Masonic Temple. (Downtown Preservation Partners, LLC; BH Temple, Inc.; and The Temple Partners, L.P. are the joint Developer of the project.)

BH Temple, Inc. acquired the Masonic Temple. BH Temple, Inc. is the sole manager of Downtown Preservation Partners, LLC (DPP). BH Temple, Inc. will, before the property is "placed in service", transfer the property to DPP. DPP will, in turn, transfer the property to the Temple Partners, L.P. Harry Bookey (400 Locust, Des Moines) is the Managing Partner of DPP.

The vacation and leases allow Masonic Temple to create outdoor seating areas for use by restaurant and café patrons.

These actions are in conformance with the City's development agreement with the Developer. Several amendments to the development agreement are also scheduled for Council's consideration on September 9, 2002.

**FISCAL IMPACT —**

The Sidewalk Café Lease Agreement (10<sup>th</sup> Street) is for a term of five years at an annual lease rate of \$1,000. The Outdoor Patio and Café Lease Agreement (west side of the building) is for a term of five years at an annual lease rate of \$1,356. Both leases contain a five-year extension option. The Developer is responsible for installing patio improvements on both the east and the west.

**RECOMMENDATION —**

**Approval.**

**BACKGROUND —**

On August 5, 2002, by Roll Call No. 02-1949, the Council resolved to set August 19, 2002 as the public hearing date for the proposed leases. On January 28, 2002, by Roll Call No. 02-291, the Council approved the development agreement for the construction of rehabilitation of Masonic Temple. The Developer will rehabilitate the structure into a cultural and performing arts center. Supporting these activities will be first floor retail uses.

To strengthen the draw of the restaurant and café, the Developer has designed outdoor seating areas for the east and west sides of the building.