

March 10, 2008

Date

SETTING DATE OF HEARING FOR THE VACATION OF PARKLAND ON WHICH THE FORMER SCIENCE CENTER IS LOCATED AND LEASE OF THE FORMER SCIENCE CENTER IN ASHWORTH PARK AT 100 45TH STREET TO THE ACADEMY

WHEREAS, Science Center of Iowa vacated its site in Greenwood and Ashworth Parks effective September 15, 2005; and

WHEREAS, the former Science Center of Iowa Building ("Greenwood Building") remains unoccupied and the City has incurred approximately \$200,000 in expenses to maintain such building and for utility costs since September 2005 and will continue to incur security and utility costs until it is leased; and

WHEREAS, on July 25, 2005 by Roll Call No. 05-1831, the City Council authorized the issuance of a Request for Qualifications to identify potential new uses for the reuse of the Greenwood Building; and

WHEREAS, on November 7, 2005 by Roll Call No. 05-2720, the City Council accepted the conceptual plan submitted by the Polk County Conservation Board (PCCB) and RDG Greenwood Studios (RDG) and directed that Park and Recreation Department staff negotiate an agreement with PCCB/RDG for use of the Greenwood Building consistent with the PCCB/RDG proposal; and

WHEREAS, on October 8 2007, by Roll Call No. 07-1992, the City Council received a report from PCCB and a letter from The Academy indicating its desire to lease a portion of the Greenwood Building and directed the City Manger to negotiate with The Academy for lease of the Greenwood Building; and

WHEREAS, The Academy, a non-profit Iowa corporation which operates a school, desires to lease the main level of the Greenwood Building to operate a non-profit school with classes to begin in Fall 2008, and to construct significant improvements to such building, including a new HVAC system; and

WHEREAS, a Lease Agreement has been prepared, a copy of which is on file in the City Clerk's Office, which provides for the lease of 12,409 square feet on the main level of the Greenwood Building at 100 45th Street and the below described abutting real property for an annual rental fee of \$4.80 per square foot, with an annual increase of 3%, with a deduction of \$7,090.00 annually in consideration of The Academy's performance of maintenance of the Greenwood Building, for a total of \$52,473.20 in the first year for an initial term of 20 years with two renewal periods of 10 years, upon mutual agreement of the parties; and

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WHEREAS, the exclusive use of the Greenwood Building is not presently required by the City of Des Moines for municipal purposes; and

WHEREAS, the City Council finds that it is not beneficial to the citizens of Des Moines for the Greenwood Building to continue to be unoccupied for additional periods of time and that the best interests of the City are served by providing for occupancy and use of such building as a school.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the below described portion of Ashworth Park:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M.; THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12, A DISTANCE OF 660.0 FEET; THENCE SOUTH 85.0 FEET TO THE POINT OF BEGINNING; THENCE EAST 253.0 FEET TO A POINT LYING 85.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12; THENCE SOUTH 170.0 FEET; THENCE SOUTHWEST 133.54 FEET TO A POINT LYING 340.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12; THENCE WEST 150.0 FEET; THENCE NORTH 255.0 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 60,137 SQ.FT. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. That if the City Council decides to vacate the above described parkland, the City of Des Moines proposes to lease 12,409 square feet in the main level of the Greenwood Building at 100 45th Street and the above described abutting real property for an annual rental fee of \$52,483.20 per year, with an annual increase of 3%, plus the consideration of The Academy's performance of maintenance of the Greenwood Building, for an initial term of 20 years with two renewal periods of 10 years, upon mutual agreement of the parties

3. That the meeting of the City Council at which the adoption of said ordinance and the lease of such real estate is to be considered shall be on March 24, 2008, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 08- 129)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, 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