

Date March 22, 2010

APPROVAL OF LETTER OF UNDERSTANDING REGARDING POTENTIAL LEASE OF PARK FAIR MALL FOR EMERGENCY RELOCATION OF CITY OFFICES AND AUTHORIZING CITY MANAGER TO NEGOTIATE FINAL LEASE TERMS AND TO EXECUTE SAME

WHEREAS, on March 15, 2010, pursuant to section 2-709(b) (Public and Operating Emergencies) of the Des Moines Municipal Code, the City Manager declared an Operating Emergency related to the anticipated flooding in the City of Des Moines in the Des Moines River Basin; and

WHEREAS, levels in the Des Moines and Raccoon Rivers have continued to rise since the date of the Operating Declaration, and, in order to allow City departments to deal effectively with flood fighting and recovery operations, and to continue to provide uninterrupted municipal services to the citizens of Des Moines, the City Manager has deemed it necessary to prepare for the possibility of relocation of City offices and operations to a temporary site, if needed; and

WHEREAS, the City Manager desires that the cost for such potential temporary relocation space be kept to a minimum, have sufficient space to accommodate numerous City departments and provide adequate communications infrastructure for City operations to continue; and

WHEREAS, available space at the Park Fair Mall, 100 East Euclid Avenue, Des Moines 50313-4582, meets such criteria, and the City Manager has negotiated a letter of understanding with Denny Elwell Company which provides that, in the event the City enters into a temporary lease for space due to an operations emergency, the City will be provided 27,938 square feet at \$4.50 per square foot rent at Park Fair Mall.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the above described letter of understanding regarding potential terms of lease for 27,938 square feet at Park Fair Mall in the event of an operating emergency making a lease of such space necessary, which is on file with the City Clerk's Office, is hereby approved and the City Manager is hereby authorized and directed to sign on behalf of the City.

BE IT FURTHER RESOLVED that, in the event that the City Manager determines that it is necessary to move offices or operations to such temporary location in order to continue to provide municipal services and flood fighting and recovery services, the City Manager is hereby authorized and directed to negotiate the terms of a final lease agreement and to execute the same, subject to approval as to form by the Legal Department, and the City Clerk is directed to attest to his signature. (Council Communication No.10-169) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| MOORE | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk