

Date..... March 24, 2008.....

HOLD 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; 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 abutting real property described below 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; and

WHEREAS, on March 10, 2008, by Roll Call No. 08- 384, it was duly resolved by the City Council that the proposed vacation of the below described portion of Ashworth Park be set down for hearing on March 24, 2008, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and lease such real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and lease of the below described portion of Ashworth Park are hereby overruled and the hearing is closed.
2. There is no public need for the below described portion of Ashworth Park proposed to be vacated and the public would not be inconvenienced by reason of the vacation of such parkland described below.
3. That the Legal Department be and is hereby authorized and directed to prepare an ordinance vacating the parkland specifically described as follows:

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.

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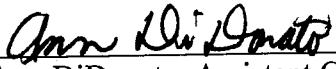
4. That the lease of 12,409 square feet on the main level of the Greenwood Building at 100 45th Street and the abutting real property, described above, for an annual rental fee of \$4.80 per square foot, with an annual increase of 3%, with a deduction of \$7,090.00 annually in consideration of The Academy's 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 the option to lease additional space on the lower level of the building at \$3.80 per square foot, with an annual increase of 3%, be and is hereby approved.

5. The Mayor is authorized and directed to sign the Lease Agreement for the lease identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication 08- 157)

Moved by _____ to adopt.

APPROVED AS TO FORM:


Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAVS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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