

Date March 26, 2007

RESOLUTION SETTING DATE OF HEARING ON LEASE AGREEMENT WITH SOUTH DES MOINES LITTLE LEAGUE FOR JAMES W. COWNIE BASEBALL PARK

WHEREAS, the Des Moines Park and Recreation Department is charged with maintaining and programming the James W. Cownie Baseball Park ("Baseball Park"), which is owned by the City; and

WHEREAS, the South Des Moines Little League. ("SDMLL") has expressed a desire to lease the Baseball Park to provide services to their membership; and

WHEREAS, on March 28, 2005, by Roll Call No. 05-737, the City Council approved an agreement with Polk County and the Greater Des Moines Community Foundation to provide design services, financing and construction of the baseball park improvements ("the 28E Agreement"); and

WHEREAS, the 28E Agreement called for the City to enter into a Lease Agreement with SDMLL for use of these donated improvements; and

WHEREAS, City staff and the SDMLL have negotiated a Lease Agreement for a period from March 15, 2007 until December 31, 2026, providing for the SDMLL to have exclusive use of the Baseball Park from March 15 through June 30 of each year of the Lease Agreement, for an annual payment to the City of at least \$25,000, with lease payments to be negotiated for an amount to exceed \$25,000 annually for the 2008, 2009 seasons and for three year intervals thereafter; and

WHEREAS, under said Lease Agreement, SDMLL shall have the exclusive right to provide for the concession operations and will retain all revenues from said operation with the exception of paying the City 20% of gross sales income from City hosted tournaments; and

WHEREAS, the use of said real estate is presently not required for municipal purposes.

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

1. The City Council of the City of Des Moines shall consider a Lease Agreement by and between the City and South Des Moines Little League ("SDMLL") which proposes to lease the James W. Cownie Baseball Park for a term from March 15, 2007 until December 31, 2025, providing for the SDMLL to have exclusive use of the Baseball Park from March 15 through June 30 of each year of the Lease Agreement for the consideration of at least \$25,000.00 annually.

2. A public hearing shall be held on April 9, 2007 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

★ Roll Call Number

Agenda Item Number

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- 3. The City Clerk is hereby authorized and directed to publish notice of the proposal in the form hereto attached not less than four nor more than twenty days from the date of the hearing.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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