

Date April 6, 2009

SETTING DATE OF HEARING ON LEASE OF A PORTION OF EWING PARK WITH EWING PARK BMX CLUB FOR FIVE YEARS

WHEREAS, on March 26, 2001 by Roll Call No. 01-847 the City of Des Moines and the Des Moines Metro BMX Club entered into a three year Lease Agreement for the installation, maintenance and use of a bicycle motto-cross track by the BMX Club on 5 acres within Ewing Park, more specifically described below; and

WHEREAS, on June 23, 2003, by Roll Call No. 03-1507, the City Council approved a five (5) year lease agreement with the Des Moines Metro BMX Club, which expired on June 30, 2008; and

WHEREAS, the Des Moines Metro BMX Club has changed its name to Ewing Park BMX Club (BMX Club"); and

WHEREAS, the BMX Club has requested to continue leasing such property for a period of five (5) years with a five (5) year renewal option; and

WHEREAS, the BMX Club provides a recreational opportunity that is not otherwise provided by the City of Des Moines Park and Recreation Department; and

WHEREAS, a Lease Agreement has been prepared which provides that the annual rental will be \$30.00 per year plus the BMX Club's performance of maintenance on the track and property for a period of five (5) years, with an option for a five (5) year renewal; and

WHEREAS, it is in the best interest of the City to approve such Lease Agreement to allow the BMX Club to continue to maintain and use a bicycle motto-cross track.

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

- 1. The City of Des Moines, Iowa proposes to lease the below described portion of Ewing Park to the Des Moines Metro BMX Club for a consideration of thirty dollars (\$30.00) annually and other valuable consideration for a period of five (5) years with a five (5) year renewal option:

The North 389.0 feet of the West 560.0 feet of Lot 3 of the Official Plat of the Northwest ¼ of Section 26, Township 78 North, Range 24 West of the 5th P.M.; all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Approximately 217,840 SQ FT 5 Acres).

Except Park Access Road lying West of the East line of Park Access Road.

★ **Roll Call Number**

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2. A public hearing shall be held on April 20, 2009 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

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 09-*191*)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
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