

Date April 7, 2008

APPROVAL OF REVISED LEASE AGREEMENT WITH CENTRAL IOWA MECHANICAL COMPANY REGARDING THE USE OF ADJOINING EXCESS CITY-OWNED PROPERTY IN THE VICINITY OF SW 2ND STREET AND MARTIN LUTHER KING, JR. PARKWAY

WHEREAS, the City of Des Moines is the owner of excess property in the vicinity of 204 SW 2nd Avenue, described below, which property was acquired for the construction of Martin Luther King, Jr. Parkway:

ALL THAT PART OF LOTS 3, 4, 5 AND 6, BLOCK 28, FORT DES MOINES, AN OFFICIAL PLAT, AND THE INTERVENING ALLEYS AND THE VACATED ALLEYS IN SAID PARCEL, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 6, AND BEING THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 2ND STREET; THENCE SOUTH 15° (DEGREES) 31' (MINUTES) 08" (SECONDS) EAST (ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE EASTERLY LINE OF SAID LOT 6, AND BEING THE PRESENT WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 2ND STREET, 75.72 FEET; THENCE SOUTHWESTERLY ALONG A 1,928.99-FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY AND HAVING A 252.82-FOOT LONG CHORD BEARING SOUTH 88°08'35" WEST, 253.00 FEET (ARC LENGTH); THENCE NORTH 07°42'51" WEST, 8.66 FEET; THENCE SOUTH 83°44'02" WEST, 40.44 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 3, AND BEING THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 3RD STREET; THENCE NORTH 74°17'48" EAST ALONG THE NORTHERLY LINE OF SAID LOTS 3 AND 4 AND ITS EASTERLY EXTENSION, AND ALONG THE NORTHERLY LINE OF SAID LOTS 5 AND 6 A DISTANCE OF 284.40 FEET TO THE POINT OF BEGINNING.

BY SURVEY CONTAINING 10,588 SQUARE FEET, OR 0.24 ACRE.

and

WHEREAS, on August 25, 2003, by Roll Call 03-1973, Council approved a Lease Agreement with Central Iowa Mechanical Company, owner of the property north of and adjacent to the above subject property, for parking lot use; and

WHEREAS, Central Iowa Mechanical Company has requested to continue their lease of the property for use as a parking lot; and

WHEREAS, the Real Estate Division and Central Iowa Mechanical Company have negotiated a new Lease Agreement with revised terms, including an increase in the amount of rent to be paid by Central Iowa Mechanical Company to the City from \$200.00 to \$600.00 per month, and a lease termination date of December 31, 2010 with the provision that either party may terminate with 60 days notice prior to lease end; and

DESCRIPTION REVIEWED
James J. [Signature]
4-07-2008 12:31

Date April 7, 2008

WHEREAS, the City of Des Moines has no immediate need or current municipal purpose for the requested property, and it is in the best interest of the City to enter into the new Lease Agreement with Central Iowa Mechanical Company; and

WHEREAS, a copy of the proposed Lease Agreement is on file in the office of the City Clerk.

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

1. That the Lease Agreement on file in the office of the City Clerk leasing City-owned property in the vicinity of SW 2nd Street and Martin Luther King Parkway, more specifically described above, to Central Iowa Mechanical Company for the annual consideration of Seven Thousand Two Hundred dollars (\$7,200.00) and certain other conditions as part of the Lease Agreement, is hereby approved.
2. That the Mayor be and is hereby authorized and directed to sign the Lease Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
3. That the Real Estate Division of the Engineering Department is hereby authorized and directed to manage and enforce the terms of the Lease Agreement.

(Council Communication 08-**203**)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna Frank, Assistant City Attorney

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

MOTION CARRIED

APPROVED

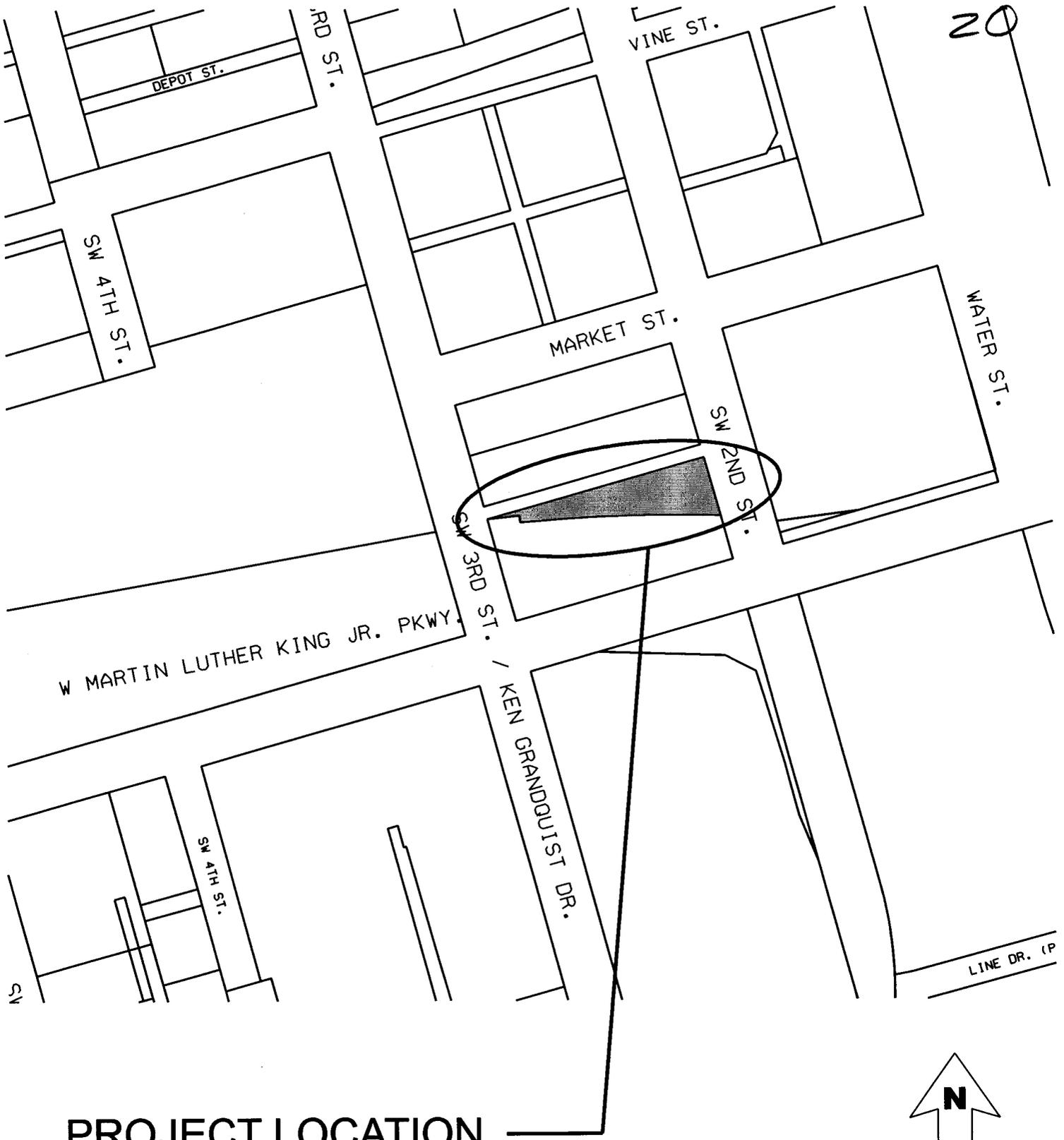
CERTIFICATE

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



PROJECT LOCATION

**LEASE AGREEMENT
WITH CENTRAL IOWA
MECHANICAL COMPANY
34-2006-040**