

Date April 20, 2009

HOLD HEARING FOR THE LEASE OF A PORTION OF EWING PARK WITH THE GREATER DES MOINIES SOAP BOX DERBY ASSOCIATION AND AUTHORIZING THE CITY MANGER TO EXECUTE THE SAME AND ONE FIVE YEAR RENEWAL

WHEREAS, on April 6, 2009, by Roll Call 09-545, it was duly resolved by the City Council that the proposed lease of a portion of Ewing Park, as more specifically described below, be set down for hearing on April 6, 2009 at 5:00 pm in the Council Chamber; and,

WHEREAS, due notice of said proposal to lease public real property interests 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 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 lease of public real property as described below are hereby overruled and the hearing is closed.
2. There currently is no public need for the property to be leased and the public would not be inconvenienced by reason of the lease of the below described property in Ewing Park to The Greater Des Moines Soap Box Derby Association ("Soap Box Derby").
3. The lease of the below described property to Soap Box Derby for an annual rental fee of \$30.00 plus the Soap Box Derby's performance of maintenance on the property, for a period of five (5) years with a five (5) year renewal option be and is hereby approved:

A Part of Lot 3 of the Official Plat of the Northwest ¼ of Section 26, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. Described as follows:

Commencing at the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 a distance of 800.0 feet to the Point of Beginning; thence East 100.0 feet; thence Southeast 150.0 feet to a point being 200.0 feet East and 950.0 feet South of the North line of said Lot 3; thence northeasterly along a line to a point being 1619.08 feet East and 700.0 feet South of the easterly extension of the North line of said Lot 3; thence South 150.0 feet to a point being 850.0 feet South of the Easterly extension of the North line of said Lot 3; thence southwesterly along a line to the West line of said Lot 3 to a point being 1200.0 feet South of the Northwest corner of said Lot 3; Thence North along the West line of said Lot 3, a distance of 400.0 feet to the Point of Beginning, all now included and forming a part of the City of Des Moines, Polk County, Iowa. Approximately 7.38 Acres.

★ **Roll Call Number**

Agenda Item Number

**53**

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4. The City Manager is authorized and directed to sign the lease agreement as identified above, and the renewal agreement after the initial term of this lease, and the City Clerk is authorized and directed to attest to the City Manager's signature.

(Council Communication No. 09-224)

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