



.....
Date May 10, 2010.....

SET HEARING FOR APPROVAL OF PROPOSED LEASE OF CITY-OWNED PROPERTY IN THE LOWER LEVEL OF THE 7th AND GRAND AVENUE PARKING GARAGE TO R.K. CORPORATION (MR. FILET STEAKHOUSE) FOR \$915.00 PER MONTH

WHEREAS, the City of Des Moines owns real property locally known as 510 7th Street (“Property”), more particularly described below:

Space No. W-6, W-7 and W-8 Leasehold Site Improvements Lots 1 and 2 OP & Lots 4 & 5 Block E, Grimmels Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

which Property has been leased by the City to R.K. Corporation (Mr. Filet Steakhouse) since 1990; and

WHEREAS, the current Lease Agreement for the Property has expired and the lessee desires to enter into an additional Lease Agreement with the City for a term of five years, with the option to renew for two five-year terms, subject to a sixty-day termination option for both parties, and payment of \$915.00 per month, which amount represents fair market rent as currently determined by the City’s Real Estate Division, and which amount shall be credited to the lessee for the period of June 1, 2010 through November 30, 2010 in exchange for the capital improvements made by the lessee to the Property in excess of the monthly fair market rent for said period; and

WHEREAS, the City of Des Moines has no immediate or short term municipal purpose or use for the Property, and it is in the best interest of the City to enter into the Lease Agreement with R.K. Corporation.

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

1. That the City Council proposes to lease the above-described Property to R.K Corporation for a term of five years, with two five-year options to renew, subject to a sixty-day termination option for both parties, commencing on June 1, 2010, for the monthly consideration of \$915.00, of which the period from June 1, 2010 to November 30, 2010 shall be accepted in the form of in-kind capital improvements made by the lessee to the Property in excess of the monthly fair market rent for said period.
2. That the meeting of the City Council at which the adoption of the lease of such real estate is to be considered shall be on May 24, 2010, said meeting to be held at 5:00 p.m., in the Council Chamber, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

★ **Roll Call Number**

Agenda Item Number

26

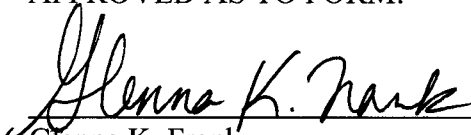
R.K. Corporation Lease

Date May 10, 2010

4. The proceeds from the lease of this property shall be deposited into the following account: 2009-10 Operating Budget, Page 86, T & T – Parking Administration, EN051, ENG100701.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 Assistant City Attorney

RA

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

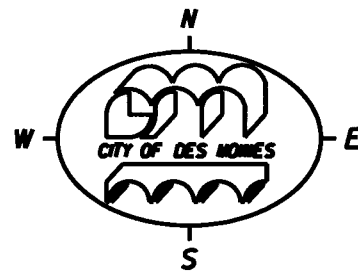
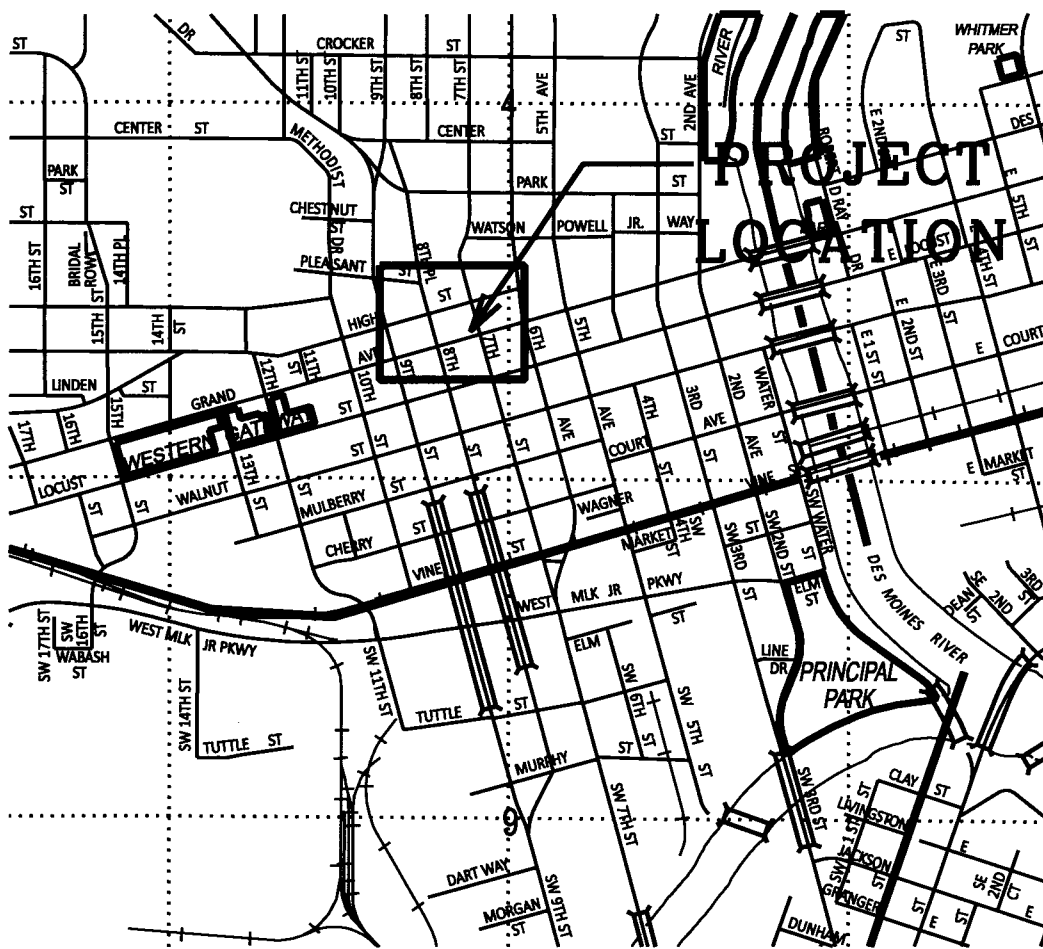
 Mayor

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



**LEASE OF SPACE
W-6,W-7,W-8
IN 7TH AND GRAND
PARKING GARAGE
ACTIVITY ID 35-2008-013**