

Date June 4, 2007

HEARING ON APPROVAL OF LEASE AGREEMENT WITH BRUCE GERLEMAN FOR PARKING ON ADJACENT CITY PROPERTY NORTH OF 303 LOCUST STREET

WHEREAS, the City is the titleholder of real property to the north of and adjacent to 303 Locust Street, as described below:

SOUTH 10. FEET OF THE EAST 66.0 FEET OF LOT 2, BLOCK 6, BIRDS ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

and

WHEREAS, Bruce Gerleman is the owner of Splash Seafood Bar and Grill located at 303 Locust Street and desires to lease the above described property for use as parking and for dumpster storage; and

WHEREAS, the lease of said real estate by Bruce Gerleman for such purposes will not adversely affect the use of adjoining real estate by the City for municipal purposes and use of the real estate is presently not required for municipal purposes; and

WHEREAS, Bruce Gerleman has agreed to a Lease Agreement for the above described property, a copy of each which is on file in the City Clerk's Office, for a period of approximately 5 years from the date of execution until June 30, 2012, renewable yearly thereafter upon mutual agreement of the parties, for \$150.00 per month rent; and

WHEREAS, on May 21, 2007, by Roll Call No. 07- , it was truly resolved by the City Council that the proposed lease of such real property be set down for hearing on June 4, 2007, at 5:00 p.m. in the Council Chamber; and

WHEREAS, in accordance with said notice, those interested in said proposed Lease Agreement, 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 property, as described above, are hereby overruled and the hearing is closed.

★ Roll Call Number

Agenda Item Number

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Date June 4, 2007

2. That the form of the Lease Agreement between Bruce Gerleman and the City of Des Moines, as described above and which is on file with the City Clerk's Office, be and is hereby approved.

3. That the Mayor is authorized and directed to sign said Lease Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. That the City Clerk is authorized and directed to forward the original of the Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Property Management division of the Park and Recreation Department in order to forward copies to the Land Records Clerk and a signed copy of the lease to Bruce Gerleman.

6. The proceeds from the lease of this property will be deposited into the following account: 2007-08 Operating Budget, Page 124, Parking Operations, Fund EN051, ENG100701.

( Council Communication 07-341 )

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