

Date June 4, 2007

**HEARING ON APPROVAL OF LEASE AGREEMENT WITH
BARRETT FAMILY TRUST FOR CERTAIN PROPERTY**

WHEREAS, the City of Des Moines is the owner of real property located at 1249 McKinley Avenue and used by the Fire Department as Fire Station No. 8; and

WHEREAS, the Barrett Family Trust is the owner of the adjoining real property located at 1232 Herold Avenue, a portion of which abuts a portion of 1249 McKinley Avenue; and

WHEREAS, the Barrett Family Trust has expressed a desire to lease an approximately 9.34 feet by 24.09 feet portion on the north side of the abutting portion of 1249 McKinley Avenue; and

WHEREAS, City staff and the Barrett Family Trust have negotiated a Lease Agreement for an initial period of ten (10) years, for a total payment of \$726.00, with renewal options, a copy of which is on file in the office of the City Clerk; and

WHEREAS, the use of said abutting portion of the real estate is presently not required for municipal purposes; and

WHEREAS, on May 21, 2007, by Roll Call No. 07- 971, it was duly 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 real property as described above are hereby overruled and the hearing is closed.
2. The form of the Lease Agreement between the Barrett Family Trust and the City of Des Moines, which is on file with the City Clerk's Office, be and is hereby approved.

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3. 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. 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 and publication of the notice of this hearing, to the Property Management division of the Park and Recreation Department for the purpose of causing said documents to be recorded in the Polk County Recorder's Office, upon full execution.
5. Upon receipt of the recorded documents back from the Polk County Recorder, the Property Management division shall file the original of the Lease Agreement and send copies to the City Clerk, the Land Records Clerk, and to the Barrett Family Trust.

(Council Communication 07- 312)

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 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