



**Roll Call Number**

**Agenda Item Number**

28

Date June 14, 2010

R.K. Corporation Lease Correction

**SET HEARING ON CORRECTED LEASE AGREEMENT FOR CITY OWNED PROPERTY IN THE LOWER LEVEL OF THE 7<sup>TH</sup> AND GRAND AVENUE PARKING GARAGE TO R.K. CORPORATION (MR. FILET STEAKHOUSE)**

WHEREAS, on May 24, 2010, by Roll Call No. 10-845, the City Council intended to approve the Lease Agreement for City owned property in the 7<sup>th</sup> and Grand Avenue parking garage, locally known as 510 7<sup>th</sup> Street ("Property"), to R.K. Corporation, but said Roll Call and Lease Agreement contained an error in the legal description; and

WHEREAS, the correct legal description for the Property is described below:

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

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 corrected lease of such real estate is to be considered shall be on June 28, 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.
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*  
Glenna K. Frank, Assistant City Attorney

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

MOTION CARRIED APPROVED

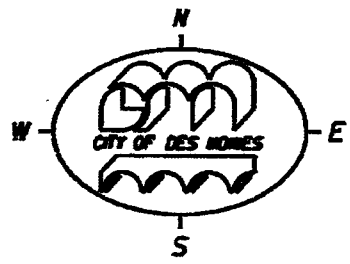
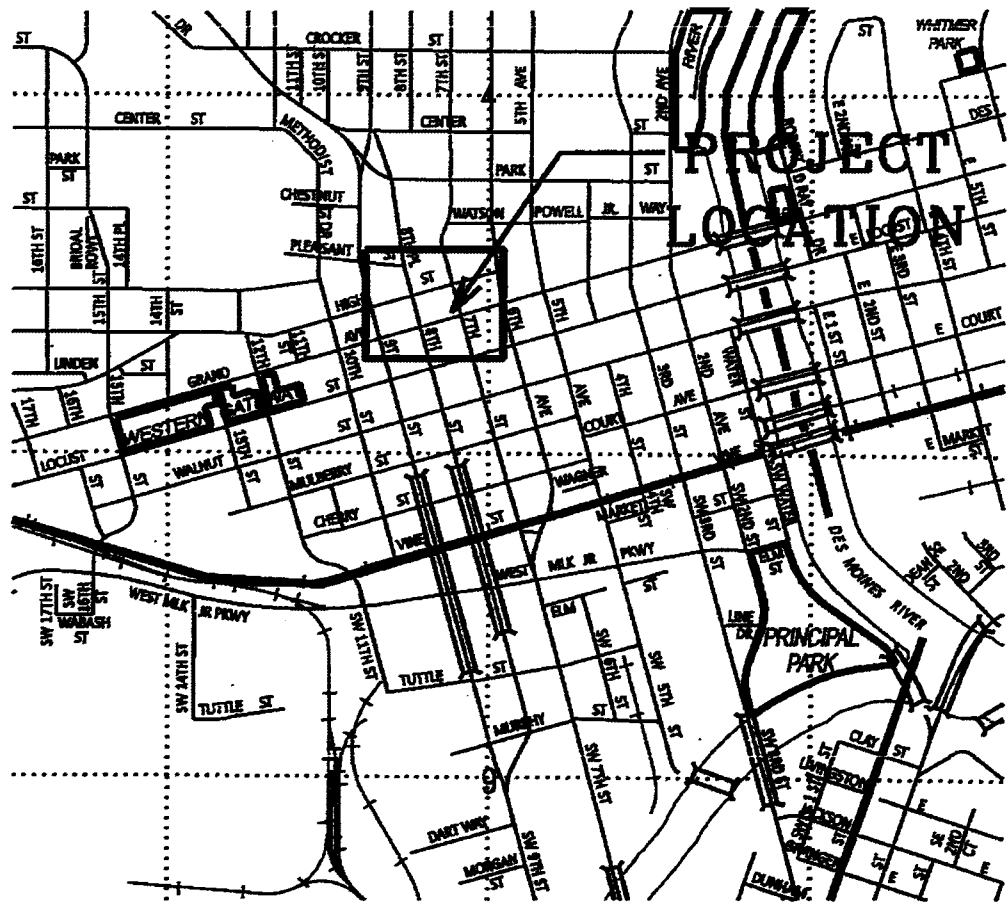
\_\_\_\_\_  
Mayor

**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**

8710-0000