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**Date**..... July 13, 2009.....

**SETTING DATE OF HEARING ON AMENDMENT TO LEASE OF A PORTION OF FRANKLIN FIELD (5200 BLOCK OF FRANKLIN AVENUE) TO POLK COUNTY**

WHEREAS, on October 8, 2001 by Roll Call No. 01-3075, the City Council approved a 65 year Lease Agreement between the City of Des Moines and Polk County for Polk County to construct a Senior/Community Center (now known as the "Northwest Senior & Community Center"), for the consideration of additional public improvements on Franklin Field (5200 block of Franklin Avenue) in the amount of \$50,000, on the real estate more specifically described below ("the Lease Agreement"); and

WHEREAS, section III. B. 4 of the Lease Agreement provides that the parties understood that the City intended to expand Franklin Avenue Library, which is adjacent to the leased premises, at a future date, that a shared use of parking facilities might be required, and that the parties agreed to cooperate with each other; and

WHEREAS, the Board of Trustees of the Des Moines Public Library and the City desire to expand the Franklin Avenue Library on a small portion of the leased premises, which will result in the need to slightly decrease the area of the leased premises, as described below, and the need for shared use of additional parking to be provided on adjacent City owned property, as further described herein; and

WHEREAS, the parties desire to amend the Lease Agreement to provide for the Franklin Avenue Library expansion, to update the Lease Agreement, and to provide for the shared use and maintenance of the current parking on the leased premises and additional parking to be constructed by the City on Franklin Field.

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

1. The City of Des Moines, Iowa proposes to amend the Lease Agreement to reduce the area leased from the following described real estate for the consideration of providing shared parking on City owned Franklin Field to be used by Polk County, the City, and the Des Moines Public Library:

The South 210 feet of the North 240 feet of the West 450 feet of the East 850 feet of the Southeast ¼ of the Northwest ¼ of Section 31, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

to the following described real estate:

Date July 13, 2009

The South 210 feet of the North 240 feet of the West 408 feet of the East 850 feet of the Southeast ¼ of the Northwest ¼ of Section 31, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

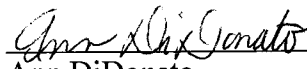
2. A public hearing shall be held on July 27, 2009 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 09-480)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 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