

Date July 13, 2009

APPROVAL OF LEASE AGREEMENT WITH HISTORIC STERNWHEELER, LLC FOR DOCK IN VICINITY OF BIRDLAND MARINA AND OFF-SEASON RENTAL OF SPACE IN BIRDLAND MARINA

WHEREAS, the City owns and operates Birdland Park and Birdland Park Marina; and

WHEREAS, Historic Sternwheeler, LLC, Michael La Valle, Manager, desires to lease the below described portion of parkland which is upstream of the Birdland Park Marina harbor entrance fronting on the north bank of the Des Moines River lying adjacent to the Des Moines River for the purpose of installing a floating dock and mooring such dock to the river bottom as a moorage and maintenance site for an excursion riverboat boat and to lease space within Birdland Marina during the off-season for winter moorage of said boat; and

WHEREAS, the real estate within Birdland Park to be leased for the dock moorage is as follows:

The Westerly 10.0 feet of the North 75. feet of the South 425.0 feet of the West 3/4 of the North 1/2 of Lot 7 (lying West of the road), of Thompson Estate of Section 35, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

; and

WHEREAS, a Lease Agreement has been prepared, a copy of which is on file in the City Clerk's Office, which provides for an annual rental payment of \$_____ for an approximately two year term from November 1, 2008 until October 31, 2010; and

WHEREAS, the Park and Recreation Department recommends favorably as to the amount of the proposed rental and as to this use of Birdland Park and Marina; and

WHEREAS, the City Council deems it advisable to approve this proposed lease.

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

1. There currently is no public need for the property to be leased and the public would not be inconvenienced by reason of leasing of the below described portion of parkland which is upstream of the Birdland Park Marina harbor entrance fronting on the north bank of the Des Moines River lying adjacent to the Des Moines River for the purpose of installing a floating dock and mooring such dock to the river bottom as a moorage and maintenance and site for an excursion boat:

The Westerly 10.0 feet of the North 75. feet of the South 425.0 feet of the West 3/4 of the North 1/2 of Lot 7 (lying West of the road), of Thompson Estate of Section 35, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and space within Birdland Marina during the off-season; and

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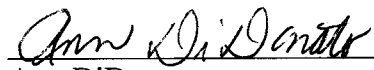
2. The lease of such parkland and space in the Birdland Marina to Historic Sternwheeler, LLC for an annual rental fee of \$___ for a period of approximately two years until October 31, 2010, on file in the Office of the City Clerk, be and is hereby approved.

3. The Mayor is authorized and directed to sign the lease agreement as identified above on behalf of the City of Des Moines, and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication 09-487)

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