

**Roll Call Number****Agenda Item Number**38Date July 24, 2006

**APPROVAL FOR HOME INC. TO SUBLEASE A PORTION OF THE PROPERTY
LOCATED AT 117 ARTHUR AVENUE (RALPH A. BIRKINBINE, OWNER) FROM THE
DES MOINES MUNICIPAL HOUSING AGENCY'S MAINTENANCE FACILITY**

WHEREAS, the City of Des Moines Municipal Housing Agency (DMMHA) has occupied the rental space located at 117 Arthur Avenue since July 1, 2001 and used the four additional years of renewal options; and

WHEREAS, the DMMHA has entered into a new one year Lease Agreement, renewable for four additional terms effective July 1, 2006, with Ralph A. Birkinbine, for the current Maintenance Facility located at 117 Arthur Avenue, for a cost of \$31,200 the first year, payable monthly at \$2,600; and

WHEREAS, Home, Inc., a nonprofit agency providing affordable housing in the City of Des Moines approached the DMMHA about subleasing a portion of the DMMHA Maintenance Facility for storage use of building materials used for their affordable homeownership program; and

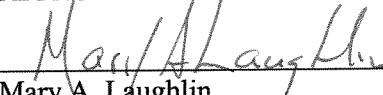
WHEREAS, the DMMHA has received written approval from the Owner of the property, Ralph A. Birkinbine, that he is in agreement with DMMHA going forward with the Sublease between the DMMHA and Home, Inc.; and

WHEREAS the Sublease, which is attached hereto as Exhibit 1, and by this reference made a part hereof, contains a no penalty termination clause if the City's funding from HUD is terminated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Sublease Agreement between the Des Moines Municipal Housing Agency and Home, Inc., is hereby approved and the City Manager or his designee is hereby authorized to sign the Sublease Agreement.

APPROVED AS TO FORM:

Moved by _____ to approve.


Mary A. Laughlin
Assistant City Attorney

(Council Communication No. 06-475)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
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