

Date July 27, 2009

HOLD HEARING FOR THE AMENDMENT TO LEASE OF A PORTION OF FRANKLIN FIELD (5200 BLOCK OF FRANKLIN AVENUE) TO POLK COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

WHEREAS, on July 14, 2009, by Roll Call 09-____, it was duly resolved by City Council that the proposed amendment to lease agreement of a portion of Franklin Field (5200 Franklin Avenue), as more specifically described below, be set down for hearing on July 27, 2009 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to amend the lease of public real property interests was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed lease, 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 below are hereby overruled and the hearing is closed.

2. There currently is no public need for the property to be leased and the public would not be inconvenienced by reason of the amendment to lease agreement to reduce the real estate leased to Polk County of the below described property in Franklin Field.

3. The amendment to lease agreement of the below described property to Polk County for consideration of the shared use of parking on City owned Franklin Field by Polk County, the City and the Des Moines Public Library, be and is hereby approved:

The current real estate to be leased is as follows: 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 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

The amended reduced real estate to be leased is as follows: 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 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Date July 27, 2009

4. The Mayor is authorized and directed to sign the amendment to lease agreement as identified above, a copy of which is on file in the City Clerk's Office, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. That the City Clerk is authorized and directed to forward the original of the Amendment to Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to 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.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Park and Recreation Department shall file the original of the Lease Agreement and send copies to the City Clerk, the Land Records Clerk and to the Lessee.

(Council Communication No. 09-)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
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

RESOLUTION

Moved by Mauro Seconded by Connolly

that the following Resolution adopted:

WHEREAS, in September, 2001 Polk County and the City of Des Moines entered into a ground lease agreement for a period of sixty-five (65) years whereupon Polk County constructed and is now operating the Northwest Senior and Community Center ("Lease Agreement"); and

WHEREAS, the Lease Agreement provides that the City of Des Moines planned at some future date to expand the Franklin Avenue Library, which is adjacent to the leased premises, and that a sharing of parking facilities might be required; and

WHEREAS, the Board of Trustees of the Des Moines Public Library and the City of Des Moines now desire to in fact expand the Franklin Avenue Library effectively slightly decreasing the area of the premises leased to the County and expanding parking facilities available to both facilities; and

WHEREAS, Polk County and the City of Des Moines now desire to amend the Lease Agreement to allow for the Franklin Avenue Library expansion, effectively modifying boundaries, providing for shared parking and identifying the respective maintenance responsibilities of the parties; and

WHEREAS, this Agreement is embodied in the First Amendment to Polk County Senior Citizen Center City of Des Moines Franklin Field Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does approve the First Amendment to Polk County Senior Citizen Center City of Des Moines Franklin Field Lease Agreement and directs the Chairperson to execute the same.

POLK COUNTY BOARD OF SUPERVISORS

Tom Hockenarrih

Vice-Chair

Submitted by:

G. Michael Grimaldi
G. Michael Grimaldi
Polk County Department of General Services

Approved as to form:

Michael B. O'Meara
Michael B. O'Meara
Assistant Polk County Attorney

ROLL CALL FOR ALLOWANCE		
JUN 3 0'09		
E.J. Giovannetti	Yes	Nay
Robert Brownell	Yes	Nay
Tom Hockenarrih	Yes	Nay
John F. Mauro	Yes	Nay
Angela Connolly	Yes	Nay
Yea	5	Nay 0
Above tabulation made by <u>TS</u>		
ALLOWED BY ABOVE STATE OF BOARD		
VICE-CHAIRPERSON		

Tom

#16

POLK COUNTY BOARD OF SUPERVISORS
Agenda Memorandum

Item Type & Title: Resolution approving First Amendment to Polk County Senior Citizen Center City of Des Moines Franklin Field Lease Agreement.

Agenda Date: June 30, 2009

Contact Individual: Name and Title	G. Michael Grimaldi
Department	General Services Department
Phone	286-3398

Background: In September, 2001 Polk County and the City of Des Moines entered into a sixty-five year Ground Lease Agreement upon which Polk County constructed and now operates the Northwest Senior and Community Center. The City of Des Moines wishes to expand the Franklin Avenue Library, immediately to the East and to do so needs to minimally encroach upon premises leased by the County.

Action Impact: Amends the 2001 Lease Agreement by minimally reducing the leased premises, constructing additional parking to the south of the Senior Center and identifying City and County maintenance responsibilities.

Fiscal Note: No financial impact to Polk County.