

.....  
Date August 10, 2009  
.....

**RESOLUTION APPROVING RENEWAL OF  
PARKING LEASE AGREEMENT WITH NELSON DEVELOPMENT, LLC  
AT EAST GRAND AVENUE AND EAST 4<sup>TH</sup> STREET**

WHEREAS, on December 22, 2003 by Roll Call No. 03-2941 the City Council of the City of Des Moines approved a five-year Lease Agreement with Nelson Development, LLC ("Nelson") for a proposed parking lot on the northeast corner of East 4<sup>th</sup> Street and East Grand Avenue; and

WHEREAS, the City of Des Moines and Nelson have negotiated a three-year renewal of the Lease, a copy of which is on file in the City Clerk's office whereby Nelson will pay the City \$9,600 (\$60.00 per space per month) upon satisfaction of a third-party loan to Nelson for improvements to the leased space, which is expected to occur within two years; and

WHEREAS, the property was acquired by the City pursuant to its urban renewal powers under the Code of Iowa. The surface parking lot is an interim use, the long-term intent being to sell the property for redevelopment; and

WHEREAS, the leased property is legally described as follows:

Lot 3 (except the West 19.9 feet on the South line and the West 20 feet on the North line) and all of Lots 4 and 5, and all of the East/West alley right-of-way lying North of and adjoining said Lot 3 (except the West 20.0 feet thereof) and lying North of and adjoining said Lots 4 and 5 in Block 10, East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on July 27, 2009 by Roll Call No. 09-1319 the City Council duly resolved to hold a public hearing on renewal of the parking lease agreement on August 10, 2009 at 5:00 p.m. in City Council Chambers; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on July 30, 2009 setting forth the time and place for hearing; and

WHEREAS, pursuant to the published notice, those interested in the proposed parking lease agreement have been given the opportunity to be heard and have presented their views to the City Council.

(Continued on Page 2)

Date August 10, 2009

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

- 1. That upon due consideration of the facts and statements of interested persons and arguments of counsel, the hearing is closed, objections to the proposed parking lease agreement between the City of Des Moines and Nelson Development, LLC are hereby overruled and the parking lease agreement, a true and correct copy of which is on file in the Office of the City Clerk, is hereby approved.
2. The Mayor is authorized and directed to execute the lease on behalf of the City and the City Clerk is authorized and directed to attest to his signature.
3. The City Manager or his designee is authorized and directed to administer the lease according to its terms.

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

APPROVED AS TO FORM:

[Signature]
Michael F. Kelley
Assistant City Attorney

(Council Communication No. 09-552)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and 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