

Date August 20, 2007

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED SALE OF PROPERTY IN THE VICINITY OF THE REGIONAL POLICE TRAINING ACADEMY TO THE YMCA OF GREATER DES MOINES ("YMCA")

WHEREAS, on November 20, 1972, by Roll Call No. 5593, the City Council of the City of Des Moines approved and accepted a Quit claim Deed from the United States of America dated November 6, 1972, for certain property in the vicinity of SE 5th Street and Army Post Road; and

WHEREAS, the City took title subject to certain conditions subsequent, including among others, that for a period of thirty (30) years from November 6, 1972, the Property shall be used continuously for educational purposes; and

WHEREAS, a portion of such property has been used for the Regional Police Training Academy and related educational purposes; and

WHEREAS, by Roll Call No. 96-1587 dated April 22, 1996, the City Council approved the Ground Lease Agreement between the City and the Young Men's Christian Association of Greater Des Moines ("YMCA") for the lease of approximately 11.22 acres consisting of Lot 2, Somerset II, an Official Plat ("Property") and the United States Secretary of Education granted its consent and approval to the Ground Lease Agreement.

WHEREAS, pursuant to the terms of the Ground Lease Agreement, the YMCA constructed an educational complex on the Property that advances the educational and training requirements of the City by providing services, programs and use of the facility for testing and training of police and fire personnel and that serves significant educational public purposes within the City by providing joint programs with other educational civic entities for physical, recreational, health and cultural education; and

WHEREAS, the Ground Lease Agreement set forth a lease term extending to November 6, 2005 and as consideration set forth nominal monetary rent, but required that the YMCA provide to the City, on a continuing basis and free of charge, services, programs and use of educational complex improvements to advance the educational training requirements of the City; and

WHEREAS, on the basis of an appraisal of the Property performed by Iowa Appraisal and Research Corporation dated August 2, 1995, the City has affirmed its determination that the Property has a value of \$150,000 if use is restricted to educational purposes and has a value of \$640,000 if there are no restrictions; and

WHEREAS, the Ground Lease Agreement provided that the YMCA may exercise an option to purchase the Property at the end of the Lease term by payment to the City of \$1,000 cash and execution of a thirty-two (32) year agreement whereby the YMCA shall continue to provide the services, programs and use of the educational complex improvements to the City, free of charge, to advance the educational training requirements of the City; and

DESCRIPTION REVIEWED
8/21/07
[Signature]

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WHEREAS, the YMCA has complied with all terms of the Ground Lease Agreement and the YMCA has continued to provide to the City the required services, programs and use of the educational complex improvements and the YMCA now desires to exercise its option to purchase the Property under the terms of the Ground Lease Agreement; and

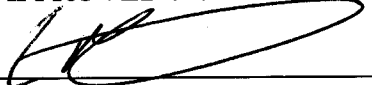
WHEREAS, the City Council has determined that it is in the best interests of the City to honor YMCA's option to purchase the Property under the terms of the Ground Lease Agreement and the City Council has affirmed its determination that the value of the educational services, programs and use of the educational complex to be provided by the YMCA to the City is \$56,000 per year and that the present value of the right to receive such services, programs and use of the educational complex for a term of thirty-two (32) years exceeds \$640,000.

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

1. The City proposes to dispose of the 11.22 acres of City-owned Property consisting of Lot 2, Somerset II, an Official Plat, pursuant to the option terms under the Ground Lease Agreement between the City and the YMCA.
2. The public hearing for consideration of such disposition of City-owned Property shall be held at the regular City Council meeting on September 10, 2007 at 5:00 p.m. in the Council Chambers, City Hall, Des Moines, Iowa.
3. The City Clerk is authorized and directed to publish notice of said proposal in the form hereto attached, all in accordance with Sections 362.3 and 364.7 of the Iowa Code, 2007.

APPROVED AS TO FORM:

Moved by _____ to adopt.


 Lawrence R. McDowell
 Deputy 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