



★ **Roll Call Number**

**Agenda Item Number**

19

R. K. Corporation Lease

**Date** August 25, 2008

**SET HEARING FOR APPROVAL OF LEASE OF CITY-OWNED PROPERTY IN THE LOWER LEVEL OF THE 7<sup>TH</sup> AND GRAND AVENUE PARKING GARAGE TO R.K. CORPORATION D/B/A MR. FILET FOR \$912 PER MONTH**

**WHEREAS**, the City of Des Moines owns real property locally known as 510 7<sup>th</sup> Street (“Property”), more particularly described below:

**Space No. W-6, W-7 and W-8 Leasehold Site Improvements Lots 1 and 2 OP & Lots 4 and 5 Block E, Grimmels Addition**, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

which Property has been leased by the City to R. K. Corporation since 1990; and

**WHEREAS**, on May 7, 1990, by Roll Call Number 90-1972, City Council approved a lease agreement with R. K. Corporation for said Property, such lease agreement including a clause allowing R. K. Corporation to unilaterally renew the agreement for two successive terms, which options R. K. Corporation has exercised; and

**WHEREAS**, R.K. Corporation has executed the currently proposed Lease Agreement to continue leasing the Property through and until April 30, 2010, which Lease Agreement includes two five (5) year options for further renewal, and also includes the ability of the City to terminate the Lease Agreement prior to the expiration of the lease or renewal terms if the Property is needed by the City for a public purpose; and

**WHEREAS**, the City of Des Moines has no immediate or short term municipal purpose or use for the Property, and it is in the best interest of the City to enter into the Lease Agreement with R. K. Corporation, which Lease Agreement is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council proposes to lease the above-described Property to R.K. Corporation for a twenty (20) month initial term, for the monthly consideration of nine hundred twelve dollars (\$912.00), commencing on September 1, 2008 and ending on April 31, 2010, with R. K. Corporation having the unilateral right to renew the Lease Agreement for a period of two (2) separate, distinct and successive five (5) year terms.

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2. That the meeting of the City Council at which the adoption of the lease of such real estate is to be considered shall be on September 8, 2008, said meeting to be held at 5:00 p.m., in the Council Chamber.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

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

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

PSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
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