

Date September 8, 2008

**HOLD HEARING FOR APPROVAL OF LEASE OF CITY-OWNED PROPERTY
IN THE LOWER LEVEL OF THE 7TH 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 7th 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; and

WHEREAS, on August 25, 2008, by Roll Call No. 08-_____, it was duly resolved by the City Council that the proposed lease of the City-owned Property be set down for hearing on September 8, 2008, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to lease the Property 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.

★ **Roll Call Number**

Agenda Item Number

39

R. K. Corporation Lease

Date September 8, 2008

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease, as described herein, are hereby overruled and the hearing is closed.
2. That the Lease Agreement on file in the office of the City Clerk leasing City-owned retail space located at 510 7th Street, more specifically described above, to R. K. Corporation for the monthly consideration of Nine Hundred Twelve dollars (\$912.00), is hereby approved.
3. That the Mayor be and is hereby authorized and directed to sign the Lease Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
4. That the Real Estate Division of the Engineering Department is hereby authorized and directed to manage and enforce the terms of the Lease Agreement.

(Council Communication 08-529)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank
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