

Date..... September 10, 2007

RESOLUTION CLOSING PUBLIC HEARING AND APPROVING 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 5<sup>th</sup> 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

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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; and

WHEREAS, on August 20, 2007, by Roll Call No. 07- 1596, it was duly resolved by the City Council that the proposed sale and conveyance of the Property to the YMCA be set down for hearing on September 10, 2007 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said proposal to sell and convey the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with the published notice, those interested in the proposed disposal of Property pursuant to the option terms under the Ground Lease Agreement between the City and the YMCA, both for and against, have been given an opportunity with respect thereto and have presented their views to the City Council; and

WHEREAS, the City Council deems it advisable to act favorably and finally upon the proposal.

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 the proposed disposal of Property pursuant to the option terms under the Ground Lease Agreement between the City and the YMCA are hereby overruled and the hearing is hereby closed.
2. The disposal of the 11.22 acres of City-owned Property consisting Lot 2, Somerset II, an Official Plat, pursuant to the option terms under the Ground Lease Agreement between the City and the YMCA is hereby determined to be in the best interests of the City.

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3. That the Agreement between the City and the YMCA, on file in the Office of the City Clerk, for the provision to the City of services, programs and use of the Property, free of charge, to advance the educational training requirements of the City is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is directed to attest to the Mayor's signature.
4. The Mayor is hereby authorized and directed to sign the Special Warranty Deed, on file in the Office of the City Clerk for conveyance of Lot 2, Somerset II, an Official Plat to the YMCA, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. The easements that are incorporated in and made exhibits to the Special Warranty Deed are hereby approved and the City Clerk is authorized and directed to certify approval and acceptance of such easements by the City.
6. Upon execution of the Agreement between the City and the YMCA, execution of the Special Warranty Deed, and certification of easements, the City Clerk is directed to forward all executed documents, a certified copy of this resolution and the affidavit of publication of the notice of this hearing to the Real Estate Division of the Engineering Department for closing in accordance with the option terms under the Ground Lease Agreement between the City and the YMCA.
6. The City Manager or his designees are hereby directed to administer and monitor compliance by the YMCA with the terms of the Agreement.

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