

Date..... November 23, 2009

HOLD HEARING FOR THE LEASE BY THE CITY OF REAL PROPERTY OWNED BY MIDAMERICAN ENERGY COMPANY, KNOWN AS "HANSEN TRIANGLE", AT 2ND AND GRAND AVENUES, APPROVING SUCH LEASE AGREEMENT, DEDICATION OF SUCH PROPERTY AS PARKLAND AND AS PART OF THE PRINCIPAL RIVERWALK, AND REAFFIRMING THE NAME OF SUCH PARKLAND AS "HANSEN TRIANGLE"

WHEREAS, the City, the Des Moines Riverfront Development Authority and Principal Life Insurance Company have been working to implement and build improvements along the Des Moines River to be known as the "Principal Riverwalk"; and

WHEREAS, MidAmerican Energy owns the property located at the northeast corner of 2nd Avenue and Grand Avenue in Des Moines, which includes certain improvements constructed by Hansen Company, Inc., and with the permission of MidAmerican Energy Company, for the enjoyment and use of the general public, to be known as the "Hansen Triangle"; and

WHEREAS, the site includes extensive energized electric and gas utility facilities owned by MidAmerican Energy, including high voltage overhead and underground electric transmission facilities; and

WHEREAS, such property is adjacent to the Principal Riverwalk; and

WHEREAS, on November 21, 2005, by Roll Call No. 05-2848, the City Council approved a Chapter 28E Agreement with MidAmerican Energy and the Des Moines Metropolitan Wastewater Reclamation Authority relating to construction of Stage 2 of the Des Moines River outfall and overflow sewer, certain City Principal Riverwalk improvements, and a MidAmerican electrical duct bank, in which the City agreed to vacate Watson Powell Jr. Way between 2nd Avenue and Grand Avenue and convey that vacated property to MidAmerican Energy, subject to a restriction on the use of the property only for open space and recreational purposes for the use of the general public; and

WHEREAS, on July 9, 2007, by Roll Call 07-1329, the City Council approved the vacation of Watson Powell Jr. Way between 2nd Avenue and Grand Avenue and conveyance to MidAmerican Energy for use as part of Hansen Triangle and only for open space and recreational purposes for the use of the general public; and

WHEREAS, the City and MidAmerican Energy desire that the Hansen Triangle be used as part of the Principal Riverwalk; and

WHEREAS, City staff and MidAmerican Energy have negotiated a Lease Agreement for a term from November 23, 2009 until December 31, 2028, with an automatic continuation for ten more years unless either party provides a written notice of termination at least six months prior to the end of the term of the lease, for a yearly rental of \$1.00; and

WHEREAS, such Lease Agreement also provides that the City will mowing certain MidAmerican Energy company property abutting the leased property for the consideration of \$15,000.00 per year; and

Date November 23, 2009

WHEREAS, a copy of the proposed Lease Agreement is on file in the office of the City Clerk;
and

WHEREAS, the City Council has determined that the term of such Lease Agreement does not extend beyond the economic life of the property; and

WHEREAS, due notice was given as provided by law, setting forth the time and place for hearing on such proposal for the City of Des Moines to lease real property owned by MidAmerican Energy Company known as "Hansen Triangle" at 2nd and Grand Avenues be set down for hearing on November 23, 2009 at 5:00 pm in the Council Chambers; 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.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property as described below are hereby overruled and the hearing is closed.

That the above described Lease Agreement on file in the office of the City Clerk by which the City will lease property owned by MidAmerican Energy Company located at 2nd and Grand Avenues is hereby approved.

2. 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.

3. That the City Council hereby dedicates the property described in the Lease Agreement as parkland and as part of the Principal Riverwalk.

4. That such parkland shall be named and shall hereby be known as "Hansen Triangle" within Principal Riverwalk.

(Council Communication 09- **808**) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, 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