

Date.....December 20, 2010.....

SETTING DATE OF HEARING FOR THE LEASE OF A PORTION OF THE GUZMAN BUILDING IN BIRDLAND MARINA AND A PORTION OF OVERLOOK TERRACE AT GRAY'S LAKE PARK TO DES MOINES ROWING CLUB

WHEREAS, the Park and Recreation Department is charged with the responsibility of providing recreational opportunities for the residents of Des Moines; and

WHEREAS, the City is the titleholder of the facility locally known as the "Guzman Building" at Birdland Park, Des Moines, Iowa; and

WHEREAS, on January 25, 2010, by Roll Call No. 10-123, the City entered into a lease with Des Moines Rowing Club ("DMRC") for the shared right with Drake University Crew to use approximately 5476 square feet of the Guzman Building ("Guzman Building Lease"); and

WHEREAS, the Guzman Building Lease expires on December 31, 2010; and

WHEREAS, the City is the titleholder of the facility locally known as the "Overlook Terrace" located at the southwest corner at Gray's Lake Park, Des Moines, Iowa; and

WHEREAS, on March 6, 2006, by Roll Call No. 06-460, the City entered into a lease with DMRC to use 1,125 square feet of the Overlook Terrace for the storage of the DMRC equipment and boats ("Overlook Terrace Lease"); and

WHEREAS, the initial term of the Overlook Terrace Lease expires on December 31, 2010; and

WHEREAS, use of the entire Guzman Building and entire Overlook Terrace is presently not required for municipal purposes within the term of the proposed described lease; and

WHEREAS, the DMRC and Park and Recreation Department desire that DMRC continue to lease such space and have negotiated a Lease Agreement, a copy of which is on file in the City Clerk's Office, for an initial period of 3 years from January 1, 2011 until December 31, 2013, with up to two 3 year renewal options upon mutual agreement of the parties; and

WHEREAS, DMRC has agreed to pay a lease rental rate of \$2.00 per square foot for a total of \$5,476 annually for the shared use with the Drake University Crew of the Guzman Building, and DMRC has agreed to pay a lease rental rate of \$4.00 per square foot for the use of 1,125 square feet of Overlook Terrace from May through October and for the use of 562.5 square feet from November through April for a total of \$3,375.00 annually, with such rental payment to be decreased at a rate of \$50.00 per registered participant in the DMRC novice and juniors rowing program at Gray's Lake Park.

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

Date.....December 20, 2010.....

1. The City Council of the City of Des Moines shall consider a Lease Agreement by and between the City and the Des Moines Rowing Club which proposes to lease approximately 5,476 square feet of the real estate locally known as the Guzman Building at Birdland Marina for a lease rental rate of \$2.00 per square foot for the shared use of such space with Drake University Crew for a total of \$5,476 annually and 1,125 square feet of the real estate locally known as the Overlook Terrace at the southwest corner of Gray's Lake Park for a lease rental rate of \$4.00 per square foot from May through October and for the use of 562.5 square feet from November through April for a total of \$3,375.00 annually, with such rental payment to be decreased at a rate of \$50.00 per registered participant in the DMRC novice and juniors rowing program at Gray's Lake Park, to be used for the storage of rowing equipment and boats, for an initial term of 3 years from January 1, 2011 until December 31, 2013, with up to two 3 year renewal options upon mutual agreement of the parties.

2. A public hearing shall be held on January 10, 2011 at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is hereby authorized and directed to publish notice of the proposal in the form hereto attached not less than four nor more than twenty days from the date of the hearing.

( Council Communication 10-753 ) Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk