

Date..... January 10, 2011.....

HOLD 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 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 of Des Moines is the owner of a facility locally known as the "Overlook Terrace" located at the southwest corner of Grays Lake Park; and

WHEREAS, on March 6, 2006, by Roll Call No. 06-460, the City entered into a lease with DMRC to use approximately 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, the DMRC and Park and Recreation Department desire that DMRC continue to lease such space to be used for the storage of rowing equipment and boats and have negotiated a Lease Agreement, a copy of which is on file in the City Clerk's Office, 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; and

WHEREAS, such proposed lease would lease approximately 5,476 square feet of the Guzman Building at Birdland Marina for a lease rental rate of \$2.00 per square foot for a total of \$5,476 annually for the shared use of such space with Drake University Crew and 1,125 square feet of 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 the Overlook Terrace 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; and

WHEREAS, use of the entire Guzman Building and use of the entire Overlook Terrace is not likely to be needed for municipal purposes within the term of the proposed lease; and

WHEREAS, on December 20, 2010, by Roll Call 10-___, it was duly resolved by the City Council that the proposed lease of a portion of the Guzman Building at Birdland Marina and Overlook Terrace at Gray's Lake Park, as described above, be set down for hearing on January 10, 2011 at 5:00 pm in the Council Chamber; and

Date January 10, 2011

WHEREAS, in accordance with said notice, those interested in said proposed Lease Agreement, 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 that:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property located in a portion of Guzman Building at Birdland Marina and a portion of Overlook Terrace at the southwest corner of Grays Lake Park, as described above and in the Lease Agreement which is on file with the City Clerk's Office, are hereby overruled and the hearing is closed.

2. There currently is no public need for the property to be leased and the public would not be inconvenienced by reason of the lease of the above described property in Guzman Building and Overlook Terrace to the Des Moines Rowing Club.

3. That the form of the Lease Agreement between the Des Moines Rowing Club and the City of Des Moines, which is on file with the City Clerk's Office, be and is hereby approved.

4. That the Mayor is authorized and directed to sign the Lease Agreement on behalf of the City and the City Clerk is authorized and directed to attest to the Mayor's signature

5. That the City Manager is authorized and directed to sign up to two renewal agreements after the initial term of this lease, subject to approval as to form by the Legal Department, and the City Clerk is authorized and directed to attest to the City Manager's signature.

(Council Communication 11- 010) 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				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk