

Date February 14, 2011

APPROVAL OF TERMINATION OF LEASE AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF DES MOINES AND BOYS AND GIRLS CLUB OF CENTRAL IOWA FOR LOGAN COMMUNITY CENTER

WHEREAS, the City of Des Moines owns the Logan Community Center located at 1740 East Garfield Avenue for use as a community center; and

WHEREAS, on January 12, 2004, by Roll Call No. 04-097, the City Council approved a Lease and Management Agreement between the City of Des Moines and Boys and Girls Club of Central Iowa ("BGCCI") for the lease of 18,840 square feet of space at Logan Community Center and for BGCCI to manage the Center and provide recreational programs and services to the citizens of Des Moines at the Center, with a term ending on June 30, 2028; and

WHEREAS, the BGCCI desires to cease operating programming at the Logan Community Center due to loss of daily attendance and increased operational and maintenance expenses; and

WHEREAS, a Termination of Lease and Management Agreement has been prepared which provides that the Lease and Management Agreement will terminate on February 28, 2011, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the Board of BGCCI has executed such Termination of Lease and Management Agreement.

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

1. The above described Termination of Lease and Management Agreement, which is on file with the City Clerk's office, is hereby approved and the Mayor is authorized and directed to execute such agreement on behalf of the City and the City Clerk is directed to attest to the Mayor's signature.
2. That the City Clerk is authorized and directed to forward the original of the Termination of Lease and Management Agreement, together with a certified copy of this resolution, to the Assistant to the Director, Park and Recreation Department, for the purpose of causing said documents to be recorded in the Polk County Recorder's Office.
3. Upon receipt of the recorded documents back from the Polk County Recorder, said Assistant to the Director shall file the original of the Termination of Lease and Management Agreement and send copies to the City Clerk and the Boys and Girls Club of Central Iowa.

(Council Communication No. 11-072)

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

LOGAN COMMUNITY CENTER
TERMINATION OF LEASE AND MANGEMENT AGREEMENT
CITY OF DES MOINES AND BOYS AND GIRLS CLUB OF CENTRAL IOWA

THIS TERMINATION AGREEMENT, made effective the 28th day of February, 2011, to the Lease and Management Agreement dated January 12, 2004, by and between the City of Des Moines ("City") and Boys and Girls Club of Central Iowa ("BGCCI") for the use and management of the Logan Community Center located at 1740 East Garfield, Des Moines, Iowa.

WHEREAS, the BGCCI is desirous to cease operating programming at the Logan Community Center due to loss of daily attendance and increased operational and maintenance costs,

WHEREAS, the term of the Lease and Management Agreement expires on June 30, 2028; and

WHEREAS, the parties mutually agree to terminate the Lease and Management Agreement prior to the end of the term and to provide for certain diminished operating responsibilities of BGCCI until the termination date of February 28, 2011.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

1. The term of the Lease and Management Agreement shall terminate on February 28, 2011.
2. The first sentence of section 4 of the Lease and Management Agreement shall be deleted and replaced with the following: "The BGCCI shall provide for the opening and closing of the Center at 8:00 am and 5:00 pm, Monday through Friday on the days when the Center is open to the public and at other times when the Center is in use.


Except as modified above, all other terms of the Lease shall remain in effect.

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year first written above.

CITY OF DES MOINES, IOWA

BOYS AND GIRLS CLUB OF CENTRAL IOWA

By: _____
T.M. Franklin Cownie, Mayor

By:  _____
Brian Deimerly, President of the Board of Directors