

Date April 11, 2011

SETTING DATE OF HEARING ON LEASE, OPERATION, MANAGEMENT AND MAINTENANCE AGREEMENT WITH THE BLANK PARK ZOO FOUNDATION, INC. FOR A. H. BLANK PARK AND A. H. BLANK PARK ZOO

WHEREAS, on February 16 2005, by Roll Call No. 05-376, the City Council entered into a 28E Operational Agreement with the Blank Park Zoo Foundation, Inc. ("BPZF") for the BPZF to undertake the operation and management of the A.H. Blank Park Zoo ("Zoo") and A. H. Blank Park ("Park") owned by the City of Des Moines for the benefit of the citizens of the metropolitan area of Des Moines , which expires June 30, 2015 ("the 2005 Agreement"); and

WHEREAS, the BPZF desires to enhance and improve the Zoo and Park by undertaking a private fund raising effort and being responsible for the construction and funding of improvements to the Zoo and Park in the amount of not less than \$16,600,000, pursuant to a conceptual Master Plan for development of the Zoo and Park, which plan has been approved by the City Council by Roll Call No. 11- \_\_\_\_, on \_\_\_\_\_, 2011; and

WHEREAS, the City and the BPZF desire to terminate the 2005 Agreement and enter into a lease and new operation, management and maintenance agreement in order for the BPZF to more fully undertake and implement the goals of such Master Plan, to assume more financial responsibility for the costs associated with maintenance and operation of the Zoo and Park, and to assume full operating responsibility for the Zoo and Park; and

WHEREAS, a Lease, Operation, Management and Maintenance Agreement with BPZF has been negotiated which terminates the 2005 Agreement and in which the BPZF has agreed to construct at its cost at least \$16,600,000 in improvements at the Zoo and Park by December 31, 2015 as consideration for rent, for an initial period of 20 years, with two 20 year renewal options at the option of the BPZF, beginning on May 1, 2011, a copy of which is on file in the City Clerk's Office ("the Agreement").

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

1. The City Council of the City of Des Moines shall consider a Lease, Operation, Management and Maintenance Agreement by and Between the City of Des Moines, Iowa and the Blank Park Zoo Foundation, Inc. (BPZF) which proposes to lease the A. H. Blank Park Zoo at 7401 SW 9<sup>th</sup> Street and the A. H. Blank Park at 7011 SW 9<sup>th</sup> Street, Des Moines, as described below, for an initial term of 20 years, with two 20 year renewal options, beginning on May 1, 2011, for the consideration of the BPZF constructing and funding at least \$16,600,000 in improvements on the leased premises:

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THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AS THE WEST 632.0 FEET OF THE NORTHEAST ¼ OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST ¼), AND THE SOUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST ¼. FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET 1204.0 FEET; AND **THE POINT OF BEGINNING**; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH; TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO A THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED. THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE. THENCE SOUTHWESTERLY TO A POINT APPROX. 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE, TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE. THENCE FOLLOWING SAID FENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SE 9<sup>TH</sup> STREET; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVE RIGHT OF WAY LINE EXTENDED THENCE WESTERLY 320.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET 1,970.0 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. A public hearing shall be held on April 25, 2011 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 11-219)

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