*	Roll Call Number	Agenda Item Number
		22A
	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 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:

THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, OWNSHIP 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 OUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID OUTHEAST ¼ OF SAID SECTION 33, THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ OF SAID PARCEL ST THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9 <sup>TH</sup> STREET 1204.0 FEET; AND THE OINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST O MID PARALLE 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" 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 PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE SAST PARCEL LINE OF PARCEL "A" TO A THE SOUTH LINE OF THE EAST. WEST ROBGERS ROAD AS CURRENTLY ESTABLISHED. THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET AND PARCEL LINE OF PARCEL "A" TO A THE SOUTH PARCEL LINE OF THE EAST LINE OF CARTER STREET AND PARCEL LINE. TO SOUTHWEST STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHWEST STREET THE SOUTHWEST TO A POINT 500 FEET WEST OF THE EAST RIGHT OF WAY LINE OF SOUTHWEST STREET; THENCE SOUTHWEST TO THE BAST RIGHT OF WAY LINE OF SOUTHWEST STREET; THENCE SOUTHWEST TO A POINT 500 FEET AND THE LEAST RIGHT OF WAY LINE OF SOUTHW	Roll Call Num	nber				Agenda Item Number		
DWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5 <sup>TH</sup> P.M., AS THE WEST 632.0 FEET OF THE NORTHEAST OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST 4), AND THE JUTHEAST 14, OF SAID SECTION 33, (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID JUTHEAST 14, FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE ORTHHAST 14, OF SAID SECTION 33, THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST 14, STANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9 <sup>TH</sup> STREET; THENCE ORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9 <sup>TH</sup> STREET; THENCE ORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9 <sup>TH</sup> STREET TO A POINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST ON THE PROXIMATELY 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 FAILD PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE SAST PARCEL LINE OF PARCEL "A" TO A THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS URRENTLY ESTABLISHED. THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STRESS CURRENTLY ESTABLISHED. THENCE SOUTH-SOUTHEAST ALONG THE EAST WEST RODGERS ROAD AS URRENTLY ESTABLISHED. THENCE SOUTH-SOUTHEAST ALONG THE EAST WEST OF THE EAST RIGHT OF WAY LINE OF THE EASTLINE OF THE NORTH-SOUTH CARTER STRESS CURRENTLY ESTABLISHED. THENCE SOUTH-SOUTHEAST ALONG THE EAST THE CARTER THE SOUTH CARTER STRESS OF THE EAST RIGHT OF WAY LINE OF THE EAST SOUTHWEST FOR THE EAST PARCE WAS OF THE EAST RIGHT OF WAY LINE OF THE EAST SOUTHWEST TO FITE EAST PARCE WAS OF THE EAST RIGHT OF WAY LINE OF SOUTHWEST SOUTHWEST STREY TO A POINT 300 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST S	Date April 11,	2011		····		· · · · · · · · · · · · · · · · · · ·		
COUNTIE  COLEMAN  GRIESS  HENSLEY  MEYER  MOORE  TOTAL  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.	OWNSHIP 78 NOR OF SAID SECTION OF SAID SECTION OUTHEAST 1/4 OF OUTHEAST 1/4. FUND ORTHEAST 1/4 OF ISTANCE OF 33.0 ORTH ALONG THE OINT OF BEGINS ND PARALLEL WE PROXIMATELY HE PLAT OF SURE AST PARCEL LINGURENTLY ESTAID PARCEL LINGURENTLY ESTAID FEET TO A POINT ARCEL LINE. THE INE ON THE SOUTH OURSE FENCE. TO AST OF THE EASTOINT 290.0 FEET SEET TO THE EASTOINT 290.0 FEET SEET SEET TO THE EASTOINT 290.0 FEET SEET SEET SEET SEET SEET SEET SEET	RTH, RAPIN 33, (EVALUE OF PARTICLE SOUTH THE SOUTH THE REST TO THE SOUTH TO RIGHT AY LINE AND CITY CAY LINE OF PARTICLE OF PAR	ANGE 2 EXCEPT ECTION DESCRIPTION TO THE THENCHE EAST FEET S ECORD THE NO ARCEL ED. THE ISHED TOF W TOF	4 WES T THE N 33 (E RIBED N 33; T EAST T OF V E EAS T RIGH OUTH ED IN ORTHE "A" TO ENCE THENO ORTH OVAY LI ASON A VAY LI OUTH OUTH OUTH OUTH OUTH OUTH OUTH OUTH	T OF THE NORTH IN AS: CONTHENCE AS: CONTHENCE RIGHT OF WAY LIN TO THE SOUTH OF SAVE RIGHNE OF SOUTH OF THE SOUTH OF THE SOUTH OF THE SOUTH OF SOUTH O	E 5 <sup>TH</sup> P.M., AS THE WEST 632.O FEET OF THE NORTHEAST 1420.0 FEET OF THE NORTHEAST 14), AND THE THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID MMENCING AT THE SOUTHWEST CORNER OF THE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST 14, ADD THE EAST ALONG THE SOUTHWEST 9 <sup>TH</sup> STREET; THENCE E OF SOUTHWEST 9 <sup>TH</sup> STREET; THENCE E OF SOUTHWEST 9 <sup>TH</sup> STREET 1204.0 FEET; AND THE EET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AY LINE OF SOUTHWEST 9 <sup>TH</sup> STREET TO A POINT IN NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON 141 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE RNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS IN THE EASTLINE OF THE NORTH-SOUTH CARTER STREET H-SOUTHEAST ALONG THE EAST LINE OF CARTER SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST A POINT APPROX. 375 FEET WEST OF THE EAST PARCEL ORNER POST OF THE EXISTING NORTHERN BLANK GOLIENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET E 9 <sup>TH</sup> STREET; THENCE SOUTHWESTERLY 320.0 FEET TO HT OF WAY LINE EXTENDED THENCE WESTERLY 320.0 OUTHWEST 9 <sup>TH</sup> STREET; THENCE NORTH ALONG THE STREET; THENCE NORTH ALONG THE STREET 1,970.0 FEET TO THE POINT OF BEGINNING, AL THE CITY OF DES MOINES, POLK COUNTY, IOWA.  April 25, 2011 at 5:00 pm in the City Council Chamber, Ci a.  directed to publish notice of the proposal and hearing in the theory days from the date of the hearing.		
COLEMAN  GRIESS  HENSLEY  MAHAFFEY  MEYER  MOORE  TOTAL  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.		YEAS	NAYS	PASS	ABSENT	CERTIFICATE		
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.  MAHAFFEY  MEYER  MOORE  TOTAL  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.				<u> </u>	-	I. DIANE RAUH, City Clerk of said City hereby		
Said City of Des Moines, held on the above date among other proceedings the above was adopted.  MAHAFFEY  MEYER  MOORE  TOTAL  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 firs above written.					-	certify that at a meeting of the City Council of		
MAHAFFEY  MEYER  MOORE  TOTAL  IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year firs above written.		<b></b>		<u> </u>		said City of Des Moines, held on the above date,		
MEYER  MOORE  TOTAL  IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year firs above written.	HENSLEY					among other proceedings the above was adopted.		
MOORE hand affixed my seal the day and year firs above written.	MAHAFFEY							
MOORE above written.	MEYER			<u> </u>				
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