



Roll Call Number

Agenda Item Number

44

.....
Date August 8, 2011

Des Moines Bolt Supply, Inc. Lease

**HOLD HEARING FOR APPROVAL OF PROPOSED LEASE OF CITY-OWNED PROPERTY
LOCATED UNDER THE GUTHRIE AVENUE VIADUCT AND ADJACENT TO
2300 DELAWARE AVENUE TO DES MOINES BOLT SUPPLY, INC. FOR \$8,500**

WHEREAS, the City of Des Moines owns real property consisting of previously vacated Guthrie Avenue right-of-way ("Property"), more particularly described below:

A parcel of ground in the Southeast ¼ of Section 25, Township 79 North, Range 24 West of the 5th P.M. and in the Northeast ¼ of Section 36, Township 79 North, Range 24 West of the 5th P.M.; described as being that part of Guthrie Avenue right-of-way under and North of the Guthrie Avenue Bridge, lying in the West 208.0 feet of the East 344.1 feet of said Sections 25 and 36 and lying North of the South line of the North 30.0 feet of the West 208.0 feet of the East 344.1 feet of said Section 36 and lying south of the North right-of-way line of Guthrie Avenue in said Section 25, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

WHEREAS, Des Moines Bolt Supply, Inc. has offered to lease the Property from the City for the purpose of maintaining a paved public parking lot and having non-exclusive use of the Leased Premises for parking for a term of 10 years, subject to a thirty-day termination option for both parties, and a single, upfront, lump sum payment of \$8,500.00 for the entire term of the agreement, which amount represents fair market rent as currently determined by the City's Real Estate Division; and

WHEREAS, the City of Des Moines has no immediate or short term municipal purpose or use for the Property, and it is in the best interest of the City to enter into the Lease Agreement with Des Moines Bolt Supply, Inc., which agreement is on file with the City Clerk; and

WHEREAS, on July 25, 2011, by Roll Call No. 11-1286, it was duly resolved by the City Council that the proposed lease of the City-owned Property be set down for hearing on August 8, 2011, at 5:00 p.m., in the Council Chambers; and

WHEREAS, due notice of said proposal to lease the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed lease, 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease, as described herein, are hereby overruled and the hearing is closed.

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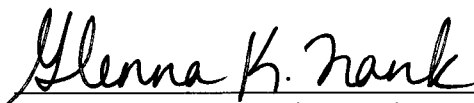
Date August 8, 2011

2. That the Lease Agreement on file in the office of the City Clerk leasing City-owned vacated Guthrie Avenue right-of-way located adjacent to 2300 Delaware Avenue, more specifically described above, to Des Moines Bolt Supply, Inc. for the single, upfront, lump sum payment of Eight Thousand Five Hundred Dollars (\$8,500.00), is hereby approved in accordance with the terms set forth in said Lease Agreement.
3. That the Mayor be and is hereby authorized and directed to sign the Lease Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
4. That the Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the Lease Agreement, and is further authorized and directed to approve and execute any non-substantive amendments to the Lease Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.
5. The proceeds from the lease of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

(Council Communication No. 11-526)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

rauh

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

MOTION CARRIED

APPROVED

 Mayor

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.

 City Clerk