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Date..... May 7, 2012

**RESOLUTION DISMISSING PUBLIC HEARING REGARDING
PARKING LEASE AGREEMENT WITH
NELSON DEVELOPMENT, LLC AT 418 EAST GRAND AVENUE**

WHEREAS, on December 22, 2003 by Roll Call No. 03-2941 the City Council of the City of Des Moines approved a five-year Lease Agreement with Nelson Development, LLC ("Nelson") for a proposed parking lot at 418 East Grand Avenue on the northeast corner of East 4th Street and East Grand Avenue; and

WHEREAS, on August 10, 2009 by Roll Call No. 09-1490, the City Council approved a three-year renewal of the Lease whereby Nelson was to pay the City \$9,600 per month (\$60.00 x 160 spaces) upon satisfaction of a third-party loan to Nelson for improvements to the leased space, which was expected to occur within two years; and

WHEREAS, the City of Des Moines and Nelson are negotiating an additional renewal of the lease agreement to cover the period from March 2012 through July 2015; and

WHEREAS, the property was acquired by the City pursuant to its urban renewal powers under the Code of Iowa. The surface parking lot is an interim use, the long-term intent being to sell the property for redevelopment; and

WHEREAS, the leased property is legally described as follows:

Lot 3 (except the West 19.9 feet on the South line and the West 20 feet on the North line) and all of Lots 4 and 5, and all of the East/West alley right-of-way lying North of and adjoining said Lot 3 (except the West 20.0 feet thereof) and lying North of and adjoining said Lots 4 and 5 in Block 10, East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on February 27, 2012 by Roll Call No. 12-0283 the City Council duly resolved to hold a public hearing on renewal of the parking lease agreement on March 12, 2012 at 5:00 p.m. in City Council Chambers; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on March 1, 2012 setting forth the time and place for hearing; and

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WHEREAS, on March 12, 2012 by Roll Call No. 12-0421 the City Council continued the public hearing until April 23, 2012; and

WHEREAS, on April 23, 2012 by Roll Call No. 12-0644 the City Council continued the public hearing until May 7, 2012; and

WHEREAS, certain issues with regard to status of the parking lease extension have arisen that have prevented execution of the agreement by the parties. The parties do not anticipate that an agreement will be reached by a definite Council meeting date.

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

Upon due consideration of the facts and because there is no agreement to be approved or denied, Council hereby dismisses the public hearing.

Moved by _____ to adopt and receive and file.

APPROVED AS TO FORM:


 Michael F. Kelley
 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