

Date..... March 9, 2015

SETTING DATE OF HEARING ON LEASE AGREEMENT WITH BLOOMFIELD UNITED METHODIST CHURCH FOR THE USE OF 1.32 ACRES IN EWING PARK

WHEREAS, the City of Des Moines is the owner of Ewing Park, located at Indianola and McKinley Avenues; and

WHEREAS, Bloomfield United Methodist Church, 5930 Indianola Avenue, Des Moines, Iowa, is located on property adjacent to Ewing Park and desires to construct at its cost a 37 stall parking lot at the southwest corner of the Ewing Park, with the option of constructing an additional 66 spaces in the future, for the non-exclusive use of its congregation members and for the use of the public at Ewing Park and to donate such parking lot improvements to the City, on the real estate legally described as:

A PART OF PARCEL "J" AS RECORDED IN BOOK 12166, PAGE 932 OF THE POLK COUNTY RECORDER'S OFFICE, AND BEING IN SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "K" AS RECORDED IN BOOK 12166, PAGE 932 OF THE POLK COUNTY RECORDER'S OFFICE; THENCE NORTH 89°30'31" WEST, 194.08 FEET; THENCE NORTH 00°29'29" EAST, 288.13 FEET; THENCE SOUTH 89°30'31" EAST, 210.00 FEET; THENCE SOUTH 00°29'29" WEST, 114.89 FEET TO THE NORTH LINE OF SAID PARCEL "K"; THENCE NORTH 89°30'31" WEST ALONG SAID NORTH LINE, 17.37 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "K"; THENCE SOUTH 00°00'38" WEST ALONG THE WEST LINE OF SAID PARCEL "K", 173.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.32 ACRES (57,625 S.F.),

WHEREAS, a Lease Agreement which provides for the non-exclusive lease of the above described real property in consideration of the construction of a 37 stall parking lot, including detention basin with associated storm sewer, lights, and landscaping, to be constructed and maintained by Bloomfield United Methodist Church at its cost, for an initial period of 30 years beginning on April 1, 2015, with an option for an additional 10 year term, has been negotiated with the Church, a copy of which is on file in the City Clerk's Office; and

WHEREAS, as part of the consideration for the lease of said property, Bloomfield United Methodist Church has agreed to convey to the City a Permanent Easement for Mutual Ingress and Egress across the Church's property to allow public access to the proposed parking lot; and

WHEREAS, it is in the best interest of the City to approve such Non-Exclusive Lease Agreement.

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

Date..... March 9, 2015

1. The City Council of the City of Des Moines shall consider a Non-Exclusive Lease Agreement by and between the City and Bloomfield United Methodist Church which proposes to lease the below described real property for a term from April 1, 2015 until March 31, 2045, with an option to renew for an additional 10 years, for the consideration of the construction and maintenance by the Church of a 37 stall parking lot, including detention basin with associated storm sewer, lights, and landscaping and the granting of a permanent easement for mutual ingress and egress to the proposed parking lot over the Church's property to allow public access to the proposed parking lot:

A PART OF PARCEL "J" AS RECORDED IN BOOK 12166, PAGE 932 OF THE POLK COUNTY RECORDER'S OFFICE, AND BEING IN SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

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2. A public hearing shall be held on March 23, 2015 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 15- *116*) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| 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