

Date.....October 12, 2015....

SETTING DATE OF HEARING FOR THE VACATION AND LEASE OF APPROXIMATELY .75 ACRES IN PROSPECT PARK TO DRAKE UNIVERSITY

WHEREAS, the City of Des Moines operates Prospect Park at 1225 Prospect Road, Des Moines, Iowa; and

WHEREAS, Drake University is desirous of leasing a portion of Prospect Park, as described below, for the purpose of constructing and maintaining at its cost a boathouse and using the boathouse for the Drake Rowing Team on the real estate legally described as:

A PART OF LOTS 13 AND 14 IN THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 IN SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 700 FEET OF SAID LOT 14; THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID SOUTH 700 FEET OF LOT 14, A DISTANCE OF 274.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST, 173.3 FEET; THENCE SOUTH 71°00'09" EAST, 286.3 FEET; THENCE SOUTH 0°00'00" WEST, 79.5 FEET TO THE NORTH LINE OF THE SOUTH 700 FEET OF SAID LOT 13; THENCE SOUTH 90°00'00" WEST ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF THE SOUTH 700 FEET OF SAID LOT 14, A DISTANCE OF 272.6 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.79 ACRES (34,452 S.F.)

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

; and

WHEREAS, a Lease Agreement with Drake University has been negotiated in which Drake University agrees to be responsible, at its cost, to construct, at an approximate cost of \$1,100,000, and maintain a boathouse, including restrooms, locker rooms, storage, break room and team meeting room, in consideration of the City having the option of owning such facility at the end of the lease term plus two days annually rent free uses by the City of the Knapp Center, Drake Football Stadium or another Drake University facility, for an initial period of 20 years, with one 20 year renewal option upon mutual agreement of the parties, beginning on November 9, 2015, a copy of which is on file in the City Clerk's Office; and

WHEREAS, the use of the below described portion of Prospect Park is presently not required for municipal purposes and the City desires to lease such portion of Prospect Park; and

WHEREAS, use of the below described portion of Prospect Park is not likely to be needed for municipal purposes within the term of this Lease; and

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WHEREAS, such proposed leased premises is dedicated as parkland.

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 adoption of an ordinance permanently vacating approximately .75 acres as parkland the below described real estate which is currently in Prospect Park located at 1225 Prospect Road, Des Moines, Iowa:

A PART OF LOTS 13 AND 14 IN THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 IN SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH 700 FEET OF SAID LOT 14; THENCE NORTH 90°00'00" EAST ALONG THE NORTH LINE OF SAID SOUTH 700 FEET OF LOT 14, A DISTANCE OF 274.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST, 173.3 FEET; THENCE SOUTH 71°00'09" EAST, 286.3 FEET; THENCE SOUTH 0°00'00" WEST, 79.5 FEET TO THE NORTH LINE OF THE SOUTH 700 FEET OF SAID LOT 13; THENCE SOUTH 90°00'00" WEST ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF THE SOUTH 700 FEET OF SAID LOT 14, A DISTANCE OF 272.6 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.79 ACRES (34,452 S.F.)

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

2. That if the City Council decides to vacate the above described parkland, the City of Des Moines proposes to lease such real property to Drake University for a term from November 9, 2015 through December 31, 2035, with an option to renew for an additional 20 years upon mutual agreement of the parties, for the consideration of the construction and maintenance by Drake University of a boathouse with the City having the option of owning such facility at the end of the lease term plus two days annually rent free use by the City of the Knapp Center, Drake Football Stadium or another Drake University facility.

3. A public hearing shall be held on October 26, 2015 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

4. 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.

★ Roll Call Number

Agenda Item Number

22

Date..... October 12, 2015

(Council Communication 15-533) 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