

Date September 26, 2016

**APPROVAL OF LEASE AGREEMENT BETWEEN DES MOINES MUNICIPAL HOUSING AGENCY AND POLK COUNTY FOR RELOCATION TO RIVER PLACE**

**WHEREAS**, the City of Des Moines, Iowa Municipal Housing Agency (DMMHA) provides decent, safe and affordable housing to low-income families within Des Moines and Polk County, including public housing and a variety of other housing services; and

**WHEREAS**, DMMHA has been leasing space and operating out of Park Fair Mall, which lease has expired and it has been determined by the DMMHA that the office should be relocated to a more efficient space and location for lower monthly rent; and

**WHEREAS**, on March 10, 2014, by Roll Call No. 14-0344, the Municipal Housing Governing Board authorized and directed the City Manager or designee to negotiate final terms of a lease agreement with Polk County to lease 17,950 square feet of office space in the Polk County River Place complex; and

**WHEREAS**, based on said Board direction, the DMMHA and Polk County are finalizing negotiations of a Lease Agreement, in substantially the form on file in the office of the City Clerk, commencing this fall 2016 until June 30, 2022, for a monthly rental fee of \$8,975 (\$6.00 per square foot, excluding property taxes and insurance; including property maintenance and basic utilities), for relocation of the DMMHA office to the River Place complex owned by Polk County located at 2309 Euclid Avenue; and

**WHEREAS**, the Lease Agreement also will include the option for DMMHA to terminate the Lease Agreement if needed, at any time and for any reason, upon written notice, including upon thirty (30) calendar days' written notice if the United States Department of Housing and Urban Development (HUD) terminates or substantially reduces the funding for the DMMHA programs, and/or if HUD makes a written determination that any provision of the Lease Agreement is in violation of Federal Regulations or Federal Contractual Obligations, governing DMMHA's use of funds; and

**WHEREAS**, the DMMHA deems it advisable to approve this Lease Agreement; and

**WHEREAS**, pursuant to Section 403A.3(9) of the Code of Iowa, and due to the use of federal funds for lease payment, the requirements of Section 364.4 of the Iowa Code do not apply to the City when exercising its municipal housing powers with respect to this lease.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Housing Governing Board of the City of Des Moines, Iowa:

★ **Roll Call Number**

**Agenda Item Number**

M.H.G.B...-2.....

Page 2

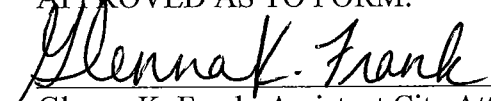
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1. That the Lease Agreement between the City of Des Moines, Iowa Municipal Housing Agency and Polk County, in substantially the form on file in the office of the City Clerk, leasing a portion of the River Place complex owned by Polk County located at 2309 E. Euclid Avenue, is hereby approved, subject to final approval as to form by the City's Legal Department.
2. That, following final negotiation of terms by the Housing Agency and approval as to form by the City's Legal Department, 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 the Mayor's signature.
3. That the DMMHA Interim Director and her designee(s) are hereby authorized and directed to administer and monitor the terms of the Lease Agreement, and the DMMHA and Finance Department are authorized to make lease payments and other payments as required pursuant to the Agreement.
4. That the DMMHA Interim Director is authorized and directed to approve and execute any unsubstantial amendments to the Lease Agreement, following approval as to form by the Legal Department, and to return any substantive amendments to the Lease Agreement to the City Council for consideration and approval.

**(Board Communication No. 16-535)**

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
Glenna K. Frank, Assistant City Attorney

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City of Des Moines, Municipal Housing Agency Governing Board, 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.

M.H.G.B. ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk