



Date March 6, 2017

HOLD HEARING ON SECOND AMENDMENT TO LEASE AGREEMENT WITH SOUTH DES MOINES LITTLE LEAGUE FOR THE JAMES W. COWNIE BASEBALL PARK

WHEREAS, on April 9, 2007, by Roll Call No. 07-689, the City Council approved the Lease Agreement by and between the South Des Moines Little League (SDMLL) and on July 23, 2012, by Roll Call No. 12-1198, the City Council approved an Amendment to said Lease, for lease of James W. Cownie Baseball Park for the purpose of youth baseball or softball programs and play and other related purposes ("the Lease"); and

WHEREAS, under the Lease the South Des Moines Little League is required to pay \$60,000 annually as rental payment for lease of the Leased Premise; and

WHEREAS, the fees for use of the baseball tournament field rentals have been increased by the City in 2016 and the League has agreed to increase its annual rental payment amount to the City to correspond to such fee increase; and

WHEREAS, City staff have negotiated a Second Amendment to Lease Agreement which provides for an annual rental increase from \$60,000 to \$70,000 effective September 1, 2017, a copy of which is on file in the City Clerk's Office; and

WHEREAS, on February 20, 2017, by Roll Call No. 17- _____, it was duly resolved by the City Council that the proposed Second Lease Amendment be set down for hearing for hearing on March 6, 2017, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to adopt a Second Amendment to Lease for such real 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 Amendment to Lease Agreement, 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, that:

1. Upon due consideration of the facts and circumstances of interested persons, the objections to said proposed Second Amendment of Lease Agreement, a copy of which is on file in the City Clerk's Office, of the above described real estate, and which increases the annual rental of \$60,000 to \$70,000 effective September 1, 2017, are hereby overruled and the hearing is closed.

2. There is no public need for the above described real estate and the public would not be inconvenienced by reason of the proposed lease of such real property.



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3. The Council hereby determines that the consideration in the Second Amendment to Lease Agreement constitutes the fair market value for such lease terms and the proposed Second Amendment to Lease Agreement, a copy of which is on file in the City Clerk's Office, be and is hereby approved.

4. The Mayor is authorized and directed to sign said Second Amendment to Lease Agreement identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is authorized and directed to forward the original of the Second Amendment to Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. Upon execution of said Second Amendment, the Real Estate Division of the Engineering Department is authorized and directed to forward the original of said Amendment, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division shall file the original of this Second Amendment and send copies to the City Clerk, the Land Records Clerk and to the South Des Moines Little League.

(Council Communication 17- 260)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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