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September 24, 2018

Date

HEARING ON APPROVING CONTRACT BETWEEN CITY OF DES MOINES AND ANIMAL RESCUE LEAGUE OF IOWA, INC. FOR LEASE OF ANIMAL SHELTER, ANIMAL SHELTER SERVICES AND CITY ANIMAL CONTROL SERVICES

WHEREAS, the City of Des Moines and the Animal Rescue League of Iowa, Inc. 5452 N.W. 22nd Street, Des Moines, IA 50313, Carol Griglione, President, desire to enter an agreement for lease of the city animal shelter, animal shelter services and city animal control services; and

WHEREAS, the City of Des Moines is the record titleholder of the premises known as the Animal Shelter located at 1615 S.E. 14th Street, Des Moines, Polk County, Iowa, situated on land legally described as:

Beginning at a point 106.0 feet West of the Southeast corner of Lot 1, Block 9, South Riverside Park, an Official Plat, being on the East right-of-way line of Highway 69, (Southeast 14th Street) as it now exists; thence North along the East right-of-way line of Highway 69 (Southeast 14th Street) to the North line of Lot 4, of said Block 9; thence East along the North line of said Lot 4, and along its easterly extension to the Northwest corner of Lot 8, of said Block 9; thence continuing along the North line of said Lot 8 to the Northeast corner of said Lot 8, and the West right-of-way line of vacated Southeast 14th Court; thence North along the West right-of-way line of vacated Southeast 14th Court to the Northeast corner of Lot 7 of said Block 9, and the South right-of-way line of Muscatine Avenue; thence southeasterly along the South right-of-way line of Muscatine Avenue to the Northeast corner of Lot 4, Block 10, of said South Riverside Park; thence South along the East line of Lots 4, 3, 2, and 1 of said Block 10 to the Southeast corner of said Lot 1 and the North right-of-way line of Granger Avenue; thence West along the North right-of-way line of Granger Avenue and vacated Granger Avenue and its westerly extension to the Point of Beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, an agreement has been negotiated and is ready for council consideration for approval and authorization to execute; and

WHEREAS, the lease is proposed to commence on July 1, 2019, which immediately follows expiration of the current lease and services agreement between the City and Animal Rescue League of Iowa, and will continue for three years with three one year options to renew for annual rent of \$1.00 and good and valuable consideration of performance of animal shelter services and city animal control services, with the animal shelter and animal control services to be for a term of ten years commencing on July 1, 2019; and



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WHEREAS, on September 10, 2018, by Roll Call 18-1505, it was duly resolved by the City Council that the proposed lease and services agreement, be set down for hearing on September 24, 2018 at 5:00 P.M. in the Council Chambers; and

WHEREAS, due notice of said proposal to approve the lease and services agreement for use of public real property interests 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 lease and services 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; and

WHEREAS, the City manager recommends, and City Council finds, that there is good cause to exempt the proposed lease and services agreement from the procurement ordinance competitive procurement requirements, pursuant to section 2-710 of the Municipal Code of the City of Des Moines.

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 statements of interested persons, the objections to the proposed lease and services agreement between the City of Des Moines and Animal Rescue League of Iowa, Inc. concerning of the city animal shelter at 1615 S.E. 14th Street, Des Moines, Iowa are hereby overruled and the hearing is closed; and
2. The lease agreement for a three year term commencing on July 1, 2019 with three one year options to renew the agreement concerning a lease of the city animal shelter, locally known as 1615 S.E. 14th Street, Des Moines, Polk County, Iowa, for annual rent of \$1.00 and good and valuable consideration of performance of animal shelter services and city animal control services, with the animal shelter and animal control services to be for a term of ten years commencing on July 1, 2019, as agreed is approved; and
3. The City Council finds that there is good cause to exempt the lease and services agreement from the procurement ordinance competitive procurement requirements, pursuant to section 2-710 of the Municipal Code of the City of Des Moines; and
4. The Mayor is hereby authorized and directed to sign said lease and services agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature; and

★ **Roll Call Number**

Agenda Item Number

44A

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5. The City Manager is hereby authorized to take all further actions to carry out the terms of the lease and services agreement including but not limited to exercising options to renew in the discretion of the City Manager.

(Council Communication No. 18-474)

MOVED BY _____
TO ADOPT

FORM APPROVED:


Assistant City Attorney
Doug Philip

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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