

Date July 15, 2019

**HEARING AND RESOLUTION TAKING ACTION TO APPROVE AND ENTER INTO
A LEASE WITH EMPLOYER'S MUTUAL CASUALTY COMPANY FOR OFFICE
SPACE IN THE PARKING GARAGE PROPERTY AT 750 MULBERRY STREET**

WHEREAS, by Roll Call No. 19-0831 of May 20, 2019, the City Council approved the sale of the Eighth and Mulberry parking garage property at 750 Mulberry Street to Employer's Mutual Casualty Company ("EMC") and the terms of sale include the lease to the City of existing occupied office space in the parking garage for the City's police department traffic enforcement operations on terms acceptable to the City and EMC; and

WHEREAS, a copy of the proposed lease with EMC is on file in the Office of the City Clerk which lease provides for use of the existing occupied office space in the parking garage for police department traffic enforcement operations, a term of ten years and an initial annual rent of \$1,200.00 with escalation to \$1,400.00 by the end of the term; and

WHEREAS, it is in the best interests of the City to lease the office space for continued police department traffic enforcement operations; and

WHEREAS, in accordance with Iowa Code Section 364.4(4) it is necessary for the City Council to give notice and hold a public hearing on the proposed action to approve and enter into the lease; and

WHEREAS, rent on the lease shall be payable solely out of the City's general fund and will not cause the total annual lease payments due from the general fund in any single future fiscal year for all leases currently enforced to exceed ten percent of the last certified general fund budget amount.

WHEREAS, on June 24, 2019 by Roll Call No. 19-0994, the City Council resolved that the proposal to take action to approve and enter into the lease with Employer's Mutual Casualty Company be set down for hearing on July 15, 2019 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said proposal and the time and place of said hearing was published in the Des Moines Register on July 3, 2019, as provided by law.

64

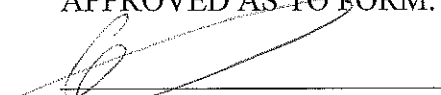
Date July 15, 2019

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

1. The public meeting and hearing on the City's intent to take action to approve and enter into the lease with Employer's Mutual Casualty Company for the existing occupied office space in the parking garage at 750 Mulberry Street has been duly held at the time and place provided and in accordance with said notice, and oral or written objections were received and filed.
2. That the time for receiving oral and written objections and the hearing be closed and the proposal to approve and enter into the lease with Employer's Mutual Casualty Company and all objections thereto are taken into consideration by the City Council.
3. The City hereby takes action to approve and enter into the lease with Employer's Mutual Casualty Company and the Mayor is hereby authorized and directed to sign the lease on behalf of the City of Des Moines.
4. The City Manager or his designee is hereby authorized and directed to administer the lease and the Finance Director is authorized to make all rental payments in accordance with the terms of the lease.

APPROVED AS TO FORM:

Moved by _____ to adopt.


 Lawrence R. McDowell
 Deputy City Attorney

G:\APPDATA\LEGAL\LAWYERS\LRM\RC\Lease of Office Space - 750 Mulberry Street - Hearing.docx

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