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**Date** January 11, 2021.....

**CONTINUANCE OF PUBLIC HEARING ON THE APPROVAL OF DOCUMENTS  
FOR LEASE OF A PORTION OF VACATED EAST MARKET STREET BETWEEN  
SOUTHEAST 14<sup>TH</sup> STREET AND SOUTHEAST 18<sup>TH</sup> STREET TO DES MOINES  
INDUSTRIAL, LLC FOR \$12,500.00**

**WHEREAS**, on April 20, 2020, by Roll Call No. 20-0660, the City Council of the City of Des Moines, Iowa voted to approve the vacation of East Market Street between Southeast 14th Street and Southeast 18th Street; and

**WHEREAS**, Des Moines Industrial, LLC, has entered into an Urban Renewal Development Agreement with the City of Des Moines to acquire the City property that adjoins vacated East Market Street between Southeast 14th Street and Southeast 18th Street for the development, construction and operation of a multi-modal transloading facility and associated site improvements; and

**WHEREAS**, Des Moines Industrial, LLC wishes to lease from the City of Des Moines a portion of said vacated East Market Street, as described below, (hereinafter “Leased Premises”) for railroad purposes and for parking, driveway, drive aisle and storage of materials directly related to the operation of its multi-modal transloading facility; and

**WHEREAS**, the City’s Real Estate Division has negotiated a Lease Agreement (“Agreement”) with Des Moines Industrial, LLC, Paul Cownie, Manager, for lease of the Leased Premises, which Agreement will include, among other terms, a twenty-year lease term with an option to renew for two (2) additional twenty-year terms, rent payment of \$12,500.00 for the initial term and each renewal term thereafter, and additional consideration including the following:

- A. Regularly cut or mow any grass growing on the Leased Premises;
- B. Cut and remove any weeds growing on the Leased Premises;
- C. Keep the premises free from nuisances and debris;
- D. Maintain the premises in a clean, safe and attractive condition; and
- E. Remove snow and ice promptly from any public sidewalk abutting the Leased Premises;

which amounts reflect the fair market value of the leased area as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the portion of vacated East Market Street proposed to be leased, and the City will not be inconvenienced by the lease of said Property; and

**WHEREAS**, on December 21, 2020 by Roll Call No. 20-2113, it was duly resolved by the City Council that the approval of the proposed Lease Agreement be set down for hearing on January 11, 2021, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, and given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the



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Governor’s October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic and telephonic public access to the meeting location; and

**WHEREAS**, due notice of said proposal to lease this public real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, a continuance of the public hearing is needed until the Council meeting on January 25, 2021, to allow the City and Des Moines Industrial, LLC additional time to finalize the terms of the Lease Agreement.

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

That the public hearing on approval of a Lease Agreement between the City of Des Moines, Iowa, and Des Moines Industrial, LLC for the lease of a portion of East Market Street between Southeast 14th Street and Southeast 18th Street be and is hereby continued to January 25, 2021, at the time and place provided in accordance with said notice, and given Mayor Cownie’s March 17, 2020 Proclamation, as amended prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s June 25, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location, but the meeting was conducted electronically with electronic and telephonic public access to the meeting location; and



**Roll Call Number**

**Agenda Item Number**

37

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**Date** January 11, 2021

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

APPROVED AS TO FORM:

/s/ Lisa Wieland

Lisa A. Wieland, Assistant City Attorney

**CERTIFICATE**

I, P. Kay Cmelik, 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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