

Date January 25, 2021

SETTING DATE OF HEARING ON THIRD 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, on July 23, 2012, by Roll Call No. 12-1198, the City Council approved an Amendment to said Lease, and on March 6, 2017, by Roll Call No. 17- 0404, the City Council approved a Second 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 South Des Moines Little League (SDMLL) is required to pay \$70,000 annually as rental payment for lease of the Leased Premise; and

WHEREAS, pursuant to Section 1 of the Lease, the lease payment shall be reviewed by the parties and renegotiated every five (5) years beginning with the lease payment due on May 15, 2016, and, pursuant to Section 1.c(5), if the new lease payment amount is not agreed upon by both parties by December 31, 2015, and every five (5) years thereafter, the Lease shall automatically terminate on such December 31 without further action of either party being necessary; and

WHEREAS, SDMLL has notified the Parks and Recreation Department that it has ceased operation and desires to terminate the Lease and will not make any lease payments for the term of lease beginning on January 1, 2021; and

WHEREAS, SDMLL has further notified the Parks and Recreation Department that it does not have the financial resources to make the current Lease payment due for calendar year 2020 of \$70,000 and, after liquidation of its assets, is able to make lease payments of only \$37,500 to cover the rental payments due for 2020, due to the substantially decreased use of the James W. Cownie Baseball Park in 2020 due to the COVID -19 pandemic resulting in substantially reduced income from team and league fees, rental of the Baseball Park, and concession fees; and

WHEREAS, the City staff have negotiated a Third Amendment to the Lease Agreement with SDMLL in which termination of the Lease will be effective December 31, 2020, and to accept the reduced rental payment of \$37,500, a copy of which is on file in the City Clerk’s Office.

DateJanuary 25, 2021..

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

1. The City Council of the City of Des Moines shall consider a Third Amendment to Lease Agreement by and between the City and South Des Moines Little League of the James W. Cownie Baseball Park, located at 2050 SE 22nd Street, Des Moines, Iowa, to change the consideration from an annual rental of \$70,000 to \$37,500 for calendar year 2020 and to terminate the Lease on December 31, 2020.

2. A public hearing shall be held on February 8, 2021 at 5:00 pm in the MSC Board Room, 2nd Floor, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication No. 21- 028)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

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

MOTION CARRIED APPROVED

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.

Mayor

City Clerk