



**Date** November 15, 2021

SETTING DATE OF HEARING FOR THE LEASE BY THE CITY OF REAL PROPERTY OWNED BY EMPLOYERS MUTUAL CASUALTY COMPANY AT 701 WALNUT STREET, APPROVING SUCH LEASE AGREEMENT, AND DEDICATION OF SUCH PROPERTY AS PARKLAND

WHEREAS, Employers Mutual Casualty Company (EMC) owns the property located at 701 Walnut Street in Des Moines, Iowa more specifically identified as:

That part of Lots 5 and 6 in Block 1, FORT DES MOINES, and Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as Parcel 2016-117 on the Plat of Survey filed May 17, 2016 in Book 16005, Page 315 in the Polk County Recorder’s Office.

which includes certain improvements constructed by EMC that are for the enjoyment and recreation of the general public (the “Leased Premises”); and

WHEREAS, the City Parks and Recreation Department is charged with the responsibility of providing safe parks, trails and related facilities within the City of Des Moines; and

WHEREAS, EMC desires to benefit the residents of Des Moines by funding and providing for the construction and installation of improvements to the Leased Premises and leasing such property to the City to be maintained and operated as a public park for a limited duration; and

WHEREAS, City staff and EMC have negotiated a Lease Agreement for a term beginning on or about September 15, 2022, for a period of ten (10) years, with an automatic continuation for ten more years unless either party provides a written notice of termination at least twelve months prior to the end of the term of the lease, for a yearly rental of \$0.00 and the City’s agreement to maintain the Leased Premises with a cap of \$25,000 annually; and

WHEREAS, a copy of the proposed Lease Agreement is on file in the office of the City Clerk.

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

1. That the City Council of the City of Des Moines shall consider adoption of a lease agreement with Employers Mutual Casualty Company for the following described property located at 701 Walnut Street:

That part of Lots 5 and 6 in Block 1, FORT DES MOINES, and Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as Parcel 2016-117 on the Plat of Survey filed May 17, 2016 in Book 16005, Page 315 in the Polk County Recorder’s Office.

That part of Lots 5 and 6 in Block 1, FORT DES MOINES, and Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa



**Roll Call Number**

**Agenda Item Number**

26

**Date** November 15, 2021

being more particularly described as Parcel 2016-117 on the Plat of Survey filed May 17, 2016 in Book 16005, Page 315 in the Polk County Recorder's Office.

2. The meeting of the City Council at which the adoption of said proposed lease of such real estate is to be considered by public hearing shall be held on November 15, 2021, at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. The City Clerk is authorized and directed to publish notice of said proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

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

APPROVED AS TO FORM:

s/ Ann DiDonato

Ann DiDonato, Assistant City Attorney

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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