



Date July 15, 2024

CONTINUANCE OF PUBLIC HEARING ON THE APPROVAL OF A COMMERCIAL LEASE AGREEMENT WITH PANOM & SONS LLC D/B/A BLU THAI FOOD AND SUSHI FOR USE OF SUITE 309 FOR RESTAURANT PURPOSES LOCATED IN CITY-OWNED PROPERTY AT THE T.M. FRANKLIN COWNIE CITY ADMINISTRATION BUILDING LOCATED AT 1200 LOCUST STREET.

WHEREAS, Nationwide Mutual Insurance Company, an Ohio mutual insurance company, and Panom & Sons LLC d/b/a Blu Thai Food and Sushi ("Lessee") entered into a Lease Agreement, dated November 1, 2021, for the lease of certain real property located at 1200 Locust Street; and

WHEREAS, Lessee is prohibited from service or consumption of alcoholic beverages under the lease with Nationwide Mutual Insurance Company; and

WHEREAS, City has acquired ownership of said property, hereinafter legally described; and

WHEREAS, such lease between Nationwide Mutual Insurance Company and Lessee was assigned to the City; and

WHEREAS, the City's Real Estate Division has negotiated a new Lease Agreement with Lessee, for lease of Suite 309 located in City-owned property at the T.M. Franklin Cownie City Administration Building located at 1200 Locust Street (hereinafter Leased Premises), which Agreement will include, among other terms, a five-year lease term, a monthly rent payment of \$2,700.00 and additional consideration including the following:

- A) In addition to rent, the Lessee shall pay the Lessee's proportionate share of Real Estate Taxes as computed by the county assessor and identified on the Auditor's page as Building on lease land (District Parcel ID – 020/32404-362-901);
- B) Lessee shall furnish and pay, at its sole expense, for all charges and connection costs relating to gas, electricity, water, heating, air conditioning, steam, telephone or television, and any other utilities used by the Lessee, including all assessments relating thereto, to the persons, firms or corporations furnishing the same during the Term of this lease, and Lessee agrees to comply with all rules, regulations and requirements of such persons, firms or corporations furnishing utilities and the laws and ordinances applicable thereto. Lessee shall further be responsible for payment of any utility bills that accrue during Lessee's use of the Leased Premises prior to termination of this Lease Agreement that are billed during such termination;
- C) Lessee shall use the Leased Premises solely for the purpose of a restaurant primarily serving Thai food, which may include the service or consumption of alcoholic beverages, subject to the issuance of all required permits and/or licenses by City; and



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WHEREAS, the City will not be inconvenienced by the lease of said property; and

WHEREAS, on June 17, 2024, by Roll Call No. 24-0862, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed approval of commercial lease agreement with Panom & Sons LLC d/b/a Blu Thai Food and Sushi for use of suite 309 for restaurant purposes located in City-owned property at 1200 Locust Street be set for hearing on July 15, 2024, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; 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 August 5, 2024, to allow the City and Panom & Sons LLC d/b/a Blu Thai Food and Sushi 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 Panom & Sons LLC d/b/a Blu Thai Food and Sushi for use of Suite 309 for restaurant purposes located in City-owned property at the T.M. Franklin Cownie City Administration Building located at 1200 Locust Street be and is hereby continued to August 5, 2024.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

CERTIFICATE

I, Laura Baumgartner, 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