

Date August 5, 2024

RESOLUTION TO DISMISS HEARING FOR 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 drafted 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;

which amounts reflect the fair market value of the leased area as determined by the City's Real Estate Division; 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. 24-0861, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed approval of a commercial lease agreement be set down for hearing on July 15, 2024, at 5:00 p.m., in the City Hall Council Chambers, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, on July 15, 2024, by Roll Call No. 24-0993, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed approval of a commercial lease agreement hearing be continued until August 5, 2024, at 5:00 p.m., in the City Hall Council Chambers, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to lease the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, Panom & Sons LLC d/b/a Blu Thai Food and Sushi, tenant of Suite 309 in 1200 Locust Street, has requested more time to consider their lease options.

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

Additional time is needed for Panom & Sons LLC d/b/a Blu Thai Food and Sushi to consider lease options, so this hearing is hereby dismissed.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

City Clerk