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**Date** February 10, 2025

**SET HEARING FOR APPROVAL OF A LEASE AGREEMENT WITH RILEY DRIVE ENTERTAINMENT XIII, INC. D/B/A TONIC BAR DES MOINES FOR LEASE OF A PORTION OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY ADJOINING 201 COURT AVENUE FOR USE AS A SIDEWALK CAFE**

**WHEREAS**, the City of Des Moines (“CITY”) is the titleholder of certain vacated north/south alley right-of-way adjoining 201 Court Avenue, Des Moines, Iowa (“Leased Premises”), legally described as follows:

**THE SOUTH 50.58 FEET OF THE NORTH 53.83 FEET OF THE EAST 16.0 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 30, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 809 SQUARE FEET; and**

**WHEREAS**, Riley Drive Entertainment XIII, Inc. d/b/a Tonic Bar Des Moines, an Iowa corporation, wishes to lease the Leased Premises for the purpose of operating a sidewalk café with alcoholic beverage service; and

**WHEREAS**, the CITY has negotiated a Lease Agreement (“Agreement”) with Riley Drive Entertainment XIII, Inc. d/b/a Tonic Bar Des Moines, Kyle Pritchard, President, for lease of a portion of the vacated north/south right-of-way adjoining 201 Court Avenue, which Agreement will include, among other terms, the following:

- An initial fixed ten-year term at a rate of \$1,500.00 per year;
- All standard terms and conditions of a Sidewalk Café lease;
- The right of either party to terminate the Agreement prior to the end of the fixed license term, with or without cause, upon thirty (30) days written notice to the other party; and

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

**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, Iowa, proposes to lease a portion of the vacated north/south alley located west of and adjoining 201 Court Avenue, as legally described and to the Lessee and for the consideration identified below, subject to reservation of easements therein:

Lessee: Riley Drive Entertainment XIII, Inc. d/b/a Tonic Bar Des Moines

**Date** February 10, 2025

Consideration: \$1,500.00

Legal Description: THE SOUTH 50.58 FEET OF THE NORTH 53.83 FEET OF THE EAST 16.0 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 30, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 809 SQUARE FEET

2. That the meeting of the City Council at which the approval of such lease of the vacated City right-of-way is to be considered shall be on February 24, 2025, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
4. Non-project related land sale and lease proceeds are used to support general operating budget expenses: Org – EG061074.

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

APPROVED AS TO FORM:

/s/ Chas M. Cahill  
Chas M. Cahill, 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.

\_\_\_\_\_  
Laura Baumgartner, City Clerk

