



Roll Call Number

08-562

Agenda Item Number

21

Ag Park Farm Lease -- Marshal: Page 1

Date April 7, 2008

APPROVAL OF FARM LEASE AGREEMENT FOR APPROXIMATELY 166 ACRES OF CITY-OWNED PROPERTY LOCATED IN THE DES MOINES AGRIMERGENT TECHNOLOGY PARK AT SE 43RD STREET AND VANDALIA ROAD TO DAVID MARSHALL FOR \$54,365

WHEREAS, on January 26, 1998, by Roll Call No. 98-275, the City Council of the City of Des Moines approved the Southeast Agribusiness Urban Renewal Plan to create and sustain development that will generate an increased tax base and retain and create livable wage jobs in a healthy, high quality environment based upon research and development manufacturing and other industrial uses while protecting existing residentially-zoned areas from negative impacts; and

WHEREAS, on December 6, 1999, by Roll Call No. 99-3720 the City Council approved the purchase of approximately 166 acres of land from Archer Daniels Midland Company in the vicinity of the southwest corner of 43rd Street and Vandalia Road, as described below (hereinafter referred to as "Property"), which would enhance redevelopment efforts of the Des Moines Agrimergent Technology Park:

A parcel of land in Section 17 and 18, Township 78 North, Range 23 West of the 5th P.M., more particularly described as follows: Commencing as a point of reference at the Northwest corner of said Section 17; thence South 00°14'28" East, along the West line of the Northwest 1/4 of said Section 17, a distance of 33.04 feet to the present South right of way line of Vandalia Road and the POINT OF BEGINNING: thence South 87°28'38" East, along said South right of way line, 2,501.52 feet; thence Southeast along a 136.09 foot radius curve, concave Southwest with a central angle of 87°27'20", a chord distance of 188.14 feet, a chord bearing of South 43°44'58" East, for a distance of 207.73 feet; thence South 00°01'18" East, along the present west right of way line of Southeast 43rd Street, 1,160.34 feet; thence North 87°32'06" West, 1,300.8 feet to a found rerod with yellow cap #6886; thence South 0°16'51" East, 663.17 feet to a found "X" cut in top of post; thence South 0°06'27" West, 1,226.15 feet to a found 5/8" rerod; thence North 48°42'34" West, 3,670.71 feet to a found 5/8" rerod; thence North 2°30'17" East, 879.50 feet to the present south right of way line of Vandalia Road; thence South 87°28'40" East, 1,390.01 feet to the POINT OF BEGINNING, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 7,258,667.5 square feet or 166.64 acres,

and

WHEREAS, on April 17, 2000, by Roll Call No. 00-1070, the City Council approved a cash farm lease with Ken Murrow of Alleman to farm the Property, which lease was terminated in 2006 in

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WHEREAS, on January 22, 2007, by Roll Call No. 07-145, the City Council approved an Urban Renewal Agreement with Vision Fuels Des Moines, L.L.C. for the sale of 129 acres of the Property; and

WHEREAS, on October 22, 2007, by Roll Call No. 07-2050, the City Council approved an Amended and Restated Agreement for Sale of Land for Private Redevelopment (the "Agreement") with Vision Fuels to increase the amount of the City-owned land to be sold to the Developer to approximately 164 acres, and adjust the timetable for the project; and

WHEREAS, on February 11, 2008, by Roll Call No. 08-263, the City Council approved an Addendum to the Urban Renewal Agreement with Vision Fuels Des Moines, L.L.C. for the sale of the 164 acres of the Property to extend closing on the Property until November 1, 2008; and

WHEREAS, on February 11, 2008, a Request for Bid was prepared by the City's Real Estate Division and was mailed to fourteen (14) potential farm tenants regarding the leasing of the 164-acre Property; and

WHEREAS, on February 26, 2008, sealed bids from seven prospective tenants were opened and David C. Marshall, 6320 SE 60th Street, Carlisle, IA 50047, submitted the highest bid of \$327.50 per acre or \$54,365 for the lease term; and

WHEREAS, the Real Estate Division has negotiated a Farm Lease Agreement, a copy of which is on file in the City Clerk's office, for the 2008 growing season with David C. Marshall that will terminate on November 1, 2008, and will not negatively impact the terms and conditions of the City's agreement with Vision Fuels for the purchase of the property and the proposed construction of an ethanol facility.

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

1. That the above described Farm Lease Agreement on file in the office of the City Clerk leasing City-owned farm land at 43rd and Vandalia Road, specifically described above, to David C. Marshall be and is hereby approved.

2. That the Mayor is hereby authorized and directed to sign said Farm Lease Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.