

★ Roll Call Number  
08-617

Agenda Item Number  
59

Date April 7, 2008

APPROVING THIRD AMENDMENT TO LEASE AGREEMENT FOR PRINCIPAL PARK WITH THE GREATER DES MOINES BASEBALL CO. D/B/A IOWA CUBS

WHEREAS, the City of Des Moines and Greater Des Moines Baseball Co. ("Iowa Cubs") entered into a Lease Agreement for the lease of Principal Park ("Stadium") and the vicinity, which was approved by the City Council on August 26, 1991, by Roll Call No. 91-3688, with an addendum approved by the City Council on September 13, 1999, by Roll Call No. 99-2845, and an Amendment approved by the City Council on August 23, 2004 by Roll Call No. 04-1812, and a Second Amendment approved by the City Council on October 9, 2006 by Roll Call No.06-1988 ("Lease Agreement"); and

WHEREAS, the Iowa Cubs desire to construct, maintain, operate and own a Miracle League Baseball Field on a portion of the leased premises which is outside of the Stadium to provide specialized leagues to persons with disabilities and other recreational and educational uses, including clinics for the benefit of the citizens of Des Moines and the Greater Des Moines area; and

WHEREAS, it is in the best interests of the City to enter into this Third Amendment to allow the Iowa cubs to use a portion of the leased premises to construct and provide the Miracle League Baseball Field.

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

1. That the form of the Third Lease Amendment by and between the City of Des Moines and Greater Des Moines Baseball Co., which is on file with the City Clerk's office, be and is hereby approved.
2. That the Mayor is authorized and directed to sign said Third Lease Amendment and the City Clerk is authorized and directed to attest to the Mayor's signature.
3. That the City Clerk is authorized and directed to forward the original of the Third Lease Amendment, together with a certified copy of this resolution to the Park and Recreation Department for the purpose of causing said documents to be recorded.
4. Upon execution of said Third Lease Amendment by Greater Des Moines Baseball Co, the Park and Recreation Department is authorized and directed to forward the original of the said Third Lease Amendment, together with a certified copy of this resolution, to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

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5. Upon receipt of the recorded documents back from the Polk County Recorder, the Park and Recreation Department shall file the original of the Third Lease Amendment and send copies to the City Clerk, the Land Records Clerk and to the Greater Des Moines Baseball Co.

(Council Communication Number 08- 182 )

Moved by Kiernan to adopt.

Approved as to Form:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

### CERTIFICATE

I, DIANE RAUH, 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.

Christine L. Healy  
Mayor

MAYOR PRO TEM

Diane Rauh  
City Clerk