

★ **Roll Call Number**

08-736

**Agenda Item Number**

65

Consolidated Supply – Lease

Date April 21, 2008

**HOLD HEARING FOR APPROVAL OF PROPOSED LEASE OF CITY-OWNED PROPERTY IN THE VICINITY OF 600 HOLCOMB AVENUE TO CONSOLIDATED SUPPLY COMPANY OF DES MOINES FOR \$250.00**

**WHEREAS**, the City of Des Moines owns real property in the vicinity of 6<sup>th</sup> Avenue and Holcomb Avenue (“Property”), more particularly described below:

Lot 163, Block 6, in HOME PARK ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa,

which Property has been leased by the City to Consolidated Supply Company of Des Moines (“Consolidated Supply”) since 1996; and

**WHEREAS**, on January 27, 2003, by Roll Call Number 03-218, City Council approved a five (5) year lease agreement with Consolidated Supply, commencing retroactively on March 19, 2001 and ending on March 18, 2006, with lease terms requiring that Consolidated Supply provides additional consideration in the form of maintenance of the Property and of adjacent City-owned property; and

**WHEREAS**, Consolidated Supply has continued to maintain the Property and the adjacent City-owned property since the expiration of the previous lease agreement on March 18, 2006; and

**WHEREAS**, Consolidated Supply wishes to enter into a Lease Agreement for another five (5) year term, retroactive to April 1, 2006 and ending on March 31, 2011; and

**WHEREAS**, the City of Des Moines has no immediate or short term municipal purpose or use for the Property, and it is in the best interest of the City to enter into the Lease Agreement with Consolidated Supply, which Lease Agreement can be terminated by either party with 60 days notice; and

**WHEREAS**, on April 7, 2008, by Roll Call No. 08-568, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on April 21, 2008, at 5:00 p.m., in the Council Chambers; and

**WHEREAS**, due notice of said proposal to lease the Property for a term of five (5) years was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

DESCRIPTION APPROVED  
Cynthia DeSantis  
City Clerk  
April 21, 2008

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease, as described herein, are hereby overruled and the hearing is closed.
2. That the Lease Agreement on file in the office of the City Clerk leasing City-owned property in the vicinity of 6<sup>th</sup> Avenue and Holcomb Avenue, more specifically described above, to Consolidated Supply Company of Des Moines for the annual consideration of Fifty dollars (\$50.00) and certain other conditions as part of the Lease Agreement, is hereby approved.
3. That the Mayor be and is hereby authorized and directed to sign the Lease Agreement and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
4. That the Real Estate Division of the Engineering Department is hereby authorized and directed to manage and enforce the terms of the Lease Agreement.

(Council Communication 08-229)

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

BN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Y. M. Franklin Council

Mayor

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.

Diane Rauh

City Clerk