

★ Roll Call Number

08-793

Agenda Item Number

25

Date May 5, 2008

PRELIMINARY TERMS OF AGREEMENT FOR RESIDENTIAL USE RESTRICTION OF PARKING SPACES IN THE SCIENCE CENTER OF IOWA PARKING STRUCTURE

WHEREAS, on September 13, 2004 by Roll Call No. 04-1951, the City Council of the City of Des Moines, Iowa, approved an Urban Renewal Agreement for Lease of Land for Private Development ("Lease Agreement") with Nelson Development, L.L.C. (interest assigned to Nelson Development 12, L.L.C.) for construction of a parking structure in the vicinity of the Science Center of Iowa; and

WHEREAS, in accordance with the terms of the Lease Agreement, the Science Center of Iowa desires to purchase the parking structure and assume an assignment of the Lease Agreement; and

WHEREAS, the City and the Science Center of Iowa desire to amend the Lease Agreement to provide for restrictions to limit the use of certain parking spaces in the parking structure for residential development in the area and the general terms of such amendment are set forth in the accompanying Council Communication.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Manager or his designee and the Legal Department are hereby authorized and directed to negotiate the terms of an amendment to the Lease Agreement to provide a restriction on the use of certain parking spaces consistent with the general terms set out in the accompanying Council Communication.

BE IT FURTHER RESOLVED that following such negotiations, an amendment to Lease Agreement shall be submitted for consideration by the City Council.

(Council Communication No. 08-270 Attached)

APPROVED AS TO FORM:

Moved by Vlassis to adopt.

Lawrence R. McDowell
Deputy City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk