

★ **Roll Call Number**
08-884

Agenda Item Number
36

Date May 19, 2008

RESOLUTION APPROVING FIRST AMENDMENT TO URBAN RENEWAL AGREEMENT FOR LEASE OF LAND FOR PRIVATE DEVELOPMENT WITH THE SCIENCE CENTER OF IOWA

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 a First Amendment to the Lease Agreement has been prepared and is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that, subject to acquisition of Lessee's interest in the Lease Agreement and acquisition of the Leased Premises and Improvements by The Science Center of Iowa, the First Amendment to Lease on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to sign said First Amendment on behalf of the City and the Chief Deputy City Clerk is authorized and directed to attest to the Mayor's signature.

BE IT FURTHER RESOLVED that upon receipt of documentation that The Science Center of Iowa has acquired an assignment of Lessee's interest in the Lease Agreement and has acquired possession of the Leased Premises and Improvements, the City Clerk is directed to submit the First Amendment to Lease to The Science Center of Iowa for execution and the City Clerk is directed to submit the fully executed First Amendment to Lease to the Recorder of Polk County, Iowa, for filing and recording in the manner provided by law.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby directed to administer the terms of the Lease Agreement as amended on behalf of the City, including the making of installment payments as provided therein.

(Council Communication No. 08-298)

APPROVED AS TO FORM:

Moved by Vlassis to adopt.

* Council Member Hensley declares a conflict of interest and abstains from voting.

Lawrence R. McDowell, Deputy City Attorney

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

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 Mayor

Diane Rauh City Clerk