



Roll Call Number

09-545

Agenda Item Number

28

Date April 6, 2009

SETTING DATE OF HEARING ON LEASE OF A PORTION OF EWING PARK WITH THE GREATER DES MOINES SOAP BOX DERBY ASSOCIATION FOR FIVE YEARS

WHEREAS, on April 20, 1970, by Roll Call No. 1727, the City Council originally approved a three (3) year lease agreement with The Greater Des Moines Soap Box Derby Association ("the Soap Box Derby") for constructing and maintaining the soap box derby track on a potion of Ewing Park; and

WHEREAS, this lease agreement has been renewed several times since then; and

WHEREAS, on June 23, 2003, by Roll Call No. 03-1507, the City Council approved a five (5) year lease agreement with the Soap Box Derby, which expired on June 30, 2008; and

WHEREAS, the Soap Box Derby has requested to continue leasing such property for a period of five (5) years with a five (5) year renewal option; and

WHEREAS, the Soap Box Derby provides a recreational opportunity that is not otherwise provided by the City of Des Moines Park and Recreation Department; and

WHEREAS, a Lease Agreement has been prepared which provides that the annual rental will be \$30.00 per year plus the Soap Box Derby's performance of maintenance on the track and property for a period of five (5) years, with an option for a five (5) year renewal; and

WHEREAS, it is in the best interest of the City to approve such Lease Agreement to allow the Soap Box Derby to continue to maintain and use a soap box derby track.

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

1. The City of Des Moines, Iowa proposes to lease the below described portion of Ewing Park to the Greater Des Moines Soap Box Derby Association for a consideration of thirty dollars (\$30.00) annually and other valuable consideration for a period of five (5) years with a five (5) year renewal option:

A Part of Lot 3 of the Official Plat of the Northwest 1/4 of Section 26, Township 78 North, Range 24 West of the 5th P.M. Described as follows:

Commencing at the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 a distance of 800.0 feet to the Point of Beginning; thence East 100.0 feet; thence Southeast 150.0 feet to a point being 200.0 feet East and 950.0 feet South of the



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North line of said Lot 3; thence northeasterly along a line to a point being 1619.08 feet

East and 700.0 feet South of the easterly extension of the North line of said Lot 3: thence South 150.0 feet to a point being 850.0 feet South of the Easterly extension of the North line of said Lot 3; thence southwesterly along a line to the West line of said Lot 3 to a point being 1200.0 feet South of the Northwest corner of said Lot 3; Thence North along the West line of said Lot 3, a distance of 400.0 feet to the Point of Beginning, all now included and forming a part of the City of Des Moines, Polk County, Iowa. Approximately 7.38 Acres.

2. A public hearing shall be held on April 20, 2009 at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 09-192)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Assistant City Attorney

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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

J. M. Franklin Council Mayor