



Roll Call Number

09-1380

Agenda Item Number

58

Date

July 27, 2009

HOLD HEARING FOR THE AMENDMENT TO LEASE OF A PORTION OF FRANKLIN FIELD (5200 BLOCK OF FRANKLIN AVENUE) TO POLK COUNTY AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

WHEREAS, on July 14, 2009, by Roll Call 09-1216, it was duly resolved by City Council that the proposed amendment to lease agreement of a portion of Franklin Field (5200 Franklin Avenue), as more specifically described below, be set down for hearing on July 27, 2009 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to amend the lease of public real property interests 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.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property as described below are hereby overruled and the hearing is closed.

2. There currently is no public need for the property to be leased and the public would not be inconvenienced by reason of the amendment to lease agreement to reduce the real estate leased to Polk County of the below described property in Franklin Field.

3. The amendment to lease agreement of the below described property to Polk County for consideration of the shared use of parking on City owned Franklin Field by Polk County, the City and the Des Moines Public Library, be and is hereby approved:

The current real estate to be leased is as follows: The South 210 feet of the North 240 feet of the West 450 feet of the East 850 feet of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

The amended reduced real estate to be leased is as follows: The South 210 feet of the North 240 feet of the West 408 feet of the East 850 feet of the Southeast 1/4 of the Northwest 1/4 of Section 31, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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4. The Mayor is authorized and directed to sign the amendment to lease agreement as identified above, a copy of which is on file in the City Clerk's Office, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. That the City Clerk is authorized and directed to forward the original of the Amendment to Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Park and Recreation Department for the purpose of causing said documents to be recorded in the Polk County Recorder's Office, upon full execution.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Park and Recreation Department shall file the original of the Lease Agreement and send copies to the City Clerk, the Land Records Clerk and to the Lessee.

(Council Communication No. 09-540)

Moved by Vlassis 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	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cooney  
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