



**Roll Call Number**

10-1060

**Agenda Item Number**

41

R.K. Corporation Lease Correction

**Date** June 28, 2010

**HOLD HEARING ON CORRECTED LEASE AGREEMENT FOR CITY OWNED PROPERTY IN THE LOWER LEVEL OF THE 7<sup>TH</sup> AND GRAND AVENUE PARKING GARAGE TO R.K. CORPORATION (MR. FILET STEAKHOUSE)**

**WHEREAS**, on May 24, 2010, by Roll Call No. 10-845, the City Council intended to approve the Lease Agreement for City owned property in the 7<sup>th</sup> and Grand Avenue parking garage, locally known as 510 7<sup>th</sup> Street ("Property"), to R.K. Corporation, but said Roll Call and Lease Agreement contained an error in the legal description; and

**WHEREAS**, the correct legal description for the Property is described below:

Space No. W-6, W-7 and W-8 Leasehold Site Improvements Lots 1 and 2, Block F, Grimmels Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, on June 14, 2010, by Roll Call No. 10-906, it was duly resolved by the City Council that the proposed corrected lease agreement of the City-owned Property be set down for hearing on June 28, 2010, at 5:00 p.m., in the Council Chambers; and

**WHEREAS**, due notice of said proposal to enter into a corrected lease agreement for the Property 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed corrected lease agreement, as described herein, are hereby overruled and the hearing is closed.
2. That the corrected Lease Agreement on file in the office of the City Clerk leasing City-owned retail space located at 510 7th Street, more specifically described above, to R. K. Corporation for the monthly consideration of Nine Hundred Fifteen dollars (\$915.00), 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.

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- 4. That the Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the Lease Agreement, and is further authorized and directed to approve and execute any non-substantive amendments to the Lease Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

PTW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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  
T. M. Franklin Mayor