

★ Roll Call Number

12-0421

Agenda Item Number

38

March 12, 2012

Date

**RESOLUTION TO CONTINUE HEARING ON APPROVAL OF
RENEWAL OF PARKING LEASE AGREEMENT WITH
NELSON DEVELOPMENT, LLC AT 418 EAST GRAND AVENUE**

WHEREAS, on December 22, 2003 by Roll Call No. 03-2941 the City Council of the City of Des Moines approved a five-year Lease Agreement with Nelson Development, LLC ("Nelson") for a proposed parking lot at 418 East Grand Avenue on the northeast corner of East 4th Street and East Grand Avenue; and

WHEREAS, on August 10, 2009 by Roll Call No. 09-1490, the City Council approved a three-year renewal of the Lease whereby Nelson was to pay the City \$9,600 per month (\$60.00 x 160 spaces) upon satisfaction of a third-party loan to Nelson for improvements to the leased space, which was expected to occur within two years; and

WHEREAS, the City of Des Moines and Nelson are negotiating an additional renewal of the lease agreement to cover the period from March 2012 through July 2015; and

WHEREAS, the property was acquired by the City pursuant to its urban renewal powers under the Code of Iowa. The surface parking lot is an interim use, the long-term intent being to sell the property for redevelopment; and

WHEREAS, the leased property is legally described as follows:

Lot 3 (except the West 19.9 feet on the South line and the West 20 feet on the North line) and all of Lots 4 and 5, and all of the East/West alley right-of-way lying North of and adjoining said Lot 3 (except the West 20.0 feet thereof) and lying North of and adjoining said Lots 4 and 5 in Block 10, East Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on February 27, 2012 by Roll Call No. 12-0283 the City Council duly resolved to hold a public hearing on renewal of the parking lease agreement on March 12, 2012 at 5:00 p.m. in City Council Chambers; and

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WHEREAS, due notice of the hearing was published in the Des Moines Register on March 1, 2012 setting forth the time and place for hearing; and

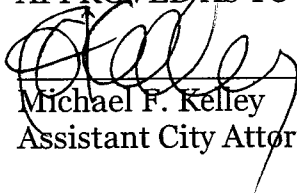
WHEREAS, certain issues with regard to status of the parking lease extension have arisen that have prevented execution of the agreement by the parties and which necessitate a continuation of the public hearing.

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

Upon due consideration of the facts, the public hearing on renewal of the parking lease agreement is hereby opened and continued until April 23, 2012 at 5:00 p.m. in Council Chambers, City Hall, Des Moines, Iowa.

Moved by Meyer to adopt, and to continue the public hearing until April 23, 2012 at 5:00 p.m. in Council Chamber, City Hall, Des Moines, Iowa.

APPROVED AS TO FORM:

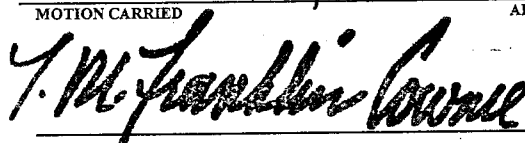

 Michael F. Kelley
 Assistant City Attorney

(Council Communication No. 12-120)

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

MOTION CARRIED

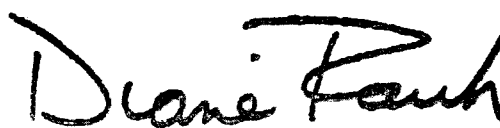
APPROVED


 T. M. Franklin
 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