

★ Roll Call Number

14-0757

Agenda Item Number

18

Date May 19, 2014

ACCEPTANCE OF BILL OF SALE FOR 10,000 TON CAPACITY SALT STORAGE BUILDING AND APPROVAL OF GROUND LEASE AND MAINTENANCE AGREEMENT FOR METROPOLITAN SALT STORAGE FACILITY

WHEREAS, on September 5, 2008, the Metro Waste Authority (MWA) and the cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Des Moines and Pleasant Hill entered into an Agreement for the Lease Purchase of a Metropolitan Salt Storage Facility on MWA property (hereinafter the "Lease Purchase Agreement") located at 5225 Beisser Drive, Grimes, Iowa; and

WHEREAS, the term of the Lease Purchase Agreement commenced on September 5, 2008 and continued until June 30, 2013; and

WHEREAS, the Lease Purchase Agreement provided if the Cities wanted to extend the lease of the property following the original term, the Cities shall give a written notice 20 to 24 months prior to the expiration of the original term; and

WHEREAS, the City of Des Moines gave notice that it wanted to extend the lease of the property from MWA on August 8, 2011 by Roll Call No. 11-1403; and

WHEREAS, pursuant to the Lease Purchase Agreement, the City of Des Moines has completed lease purchasing the 10,000 ton capacity salt storage building from the MWA; and

WHEREAS, the MWA has provided a Bill of Sale for the 10,000 ton capacity salt storage building to Des Moines; and

WHEREAS, in addition to the Lease Purchase Agreement the cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Des Moines and Pleasant Hill (the "cities") had also entered into a Maintenance and Operation Agreement for the Salt Storage Facility addressing how the parties were to maintain and operate the facility; and

WHEREAS, MWA is willing to continue to lease the property for the facility to the cities and the parties have negotiated a new agreement that combines the lease agreement with the maintenance and operation agreement in a Ground Lease and Maintenance Agreement for Metropolitan Salt Storage Facility on Metropolitan Waste Authority property.

(Continued on Page 2)



Roll Call Number

14-0757

Agenda Item Number

18

May 19, 2014

Date

-2-

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

1. That it hereby accepts the Bill of Sale for the 10,000 ton Salt Storage Facility and the Mayor is authorized and directed to execute the City's acceptance of the Bill of Sale and the City Clerk to attest to his signature.
2. That it hereby approves the Ground Lease and Operation and Maintenance Agreement for Metropolitan Salt Storage Facility between the MWA and the cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Des Moines and Pleasant Hill and authorizes and directs the Mayor to execute the Agreement and the City Clerk to attest to his signature.

APPROVED AS TO FORM:

Moved by Hensley to adopt.

Kathleen Vanderpool, Deputy City Attorney

(Council Communication No. 14-241)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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.

City Clerk