



**Roll Call Number**

14-1562

**Agenda Item Number**

14

**Date** October 6, 2014

**SET HEARING FOR APPROVAL OF A PROPOSED LEASE OF CITY-OWNED PROPERTY NEAR 6<sup>TH</sup> AVENUE AND MULBERRY STREET TO POLK COUNTY IOWA**

**WHEREAS**, the City of Des Moines (City) is the titleholder of certain real estate consisting of a parking lot and the adjoining north 13 feet of vacated Plum Street, all located north of the former Polk County Jail at 6th and Cherry Streets, Des Moines, Iowa (Leased Premises); and

**WHEREAS**, On October 8, 2001, by Roll Call No. 01-3074, the City Council approved a two-year lease agreement with Polk County, Iowa for the Leased Premises; and

**WHEREAS**, On July 29, 2008, the City of Des Moines and Polk County, Iowa entered into a new, three-year lease agreement for the Leased Premises, which lease agreement terminated on May 1, 2011; and

**WHEREAS**, On October 4, 2011, the City of Des Moines and Polk County, Iowa again entered into a three-year lease agreement for the Leased Premises, which lease agreement terminated on July 31, 2014; and

**WHEREAS**, Polk County, Iowa wishes to continue to use the Leased Premises for the public purpose of providing a secured parking lot for Polk County and State Court employees, and has asked to enter into a new ninety-nine (99) year lease agreement with the City of Des Moines; and

**WHEREAS**, the City's Real Estate Division has negotiated a Lease Agreement with Polk County Iowa as lessee, which Agreement will include, among other terms, a license term commencing upon execution by City of the Lease Agreement and terminating on July 31, 2113, and subject to termination for default upon thirty (30) days notice by the City to Polk County, and subject to termination by either party, with or without cause, upon three-hundred sixty-five (365) calendar days written notice; and

**WHEREAS**, pursuant to the negotiated Lease Agreement, Polk County shall use the Leased Premises solely for the public purpose as set forth therein, and for no other purpose, in accordance with Iowa Code Section 364.7 (2013), and further agrees to provide the following throughout the entire term of the Agreement: (a) mowing of all grassed areas and trimming and maintenance of all landscaping within the Leased Premises; (b) clearing of snow, ice and other debris from and adjacent to the Leased Premises, including the parking lot and adjacent sidewalks; and (c) maintaining, securing and policing the Leased Premises to prevent all uses not expressly authorized by this Agreement; and

**WHEREAS**, the City will not be inconvenienced by approval of the proposed Lease Agreement with Polk County, Iowa.

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

1. The City Council of the City of Des Moines, Iowa proposes to enter into a Lease Agreement with Polk County, Iowa for the use of City-owned real property consisting of a parking lot and the adjoining north

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13 feet of vacated Plum Street, all located north of the former Polk County Jail at 6th and Cherry Streets, Des Moines, Iowa, legally described as follows, for the public purpose of providing a secured parking lot for Polk County and State Court employees:

THE SOUTH 2/3 OF LOT 7, BLOCK 10, AND THE NORTH 13 FEET OF VACATED PLUM STREET LYING SOUTH OF AND ADJOINING SAID SOUTH 2/3 OF LOT 7, ALL IN THE ORIGINAL TOWN OF FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

2. A public hearing will be held on October 20, 2014, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Iowa Code Section 362.3.
4. There are no proceeds associated with this lease.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]  
 Cori K. Coleman, Assistant City Attorney

*PSN*

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.

Diane Rauh City Clerk