



Roll Call Number

15-0526

Agenda Item Number

43

Date March 23, 2015

HOLD HEARING AND APPROVING NON-EXCLUSIVE LEASE AGREEMENT WITH BLOOMFIELD UNITED METHODIST CHURCH FOR 1.32 ACRE PARCEL IN EWING PARK AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

WHEREAS, Bloomfield United Methodist Church, 5930 Indianola Avenue, Des Moines, Iowa, is located on property adjacent to Ewing Park and desires to construct at its cost a 37 stall parking lot at the southwest corner of the Ewing Park, with the option of constructing an additional 66 spaces in the future, for the non-exclusive use of its congregation members and for the use of the public at Ewing Park and to donate such parking lot improvements to the City, on the real estate legally described as:

A PART OF PARCEL "J" AS RECORDED IN BOOK 12166, PAGE 932 OF THE POLK COUNTY RECORDER'S OFFICE, AND BEING IN SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "K" AS RECORDED IN BOOK 12166, PAGE 932 OF THE POLK COUNTY RECORDER'S OFFICE; THENCE NORTH 89°30'31" WEST, 194.08 FEET; THENCE NORTH 00°29'29" EAST, 288.13 FEET; THENCE SOUTH 89°30'31" EAST, 210.00 FEET; THENCE SOUTH 00°29'29" WEST, 114.89 FEET TO THE NORTH LINE OF SAID PARCEL "K"; THENCE NORTH 89°30'31" WEST ALONG SAID NORTH LINE, 17.37 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "K"; THENCE SOUTH 00°00'38" WEST ALONG THE WEST LINE OF SAID PARCEL "K", 173.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.32 ACRES (57,625 S.F.)

WHEREAS, a Lease Agreement which provides for the non-exclusive lease of the above described real property in consideration of the construction of a 37 stall parking lot, including detention basin with associated storm sewer, lights, and landscaping, to be constructed and maintained by the Bloomfield United Methodist Church at its cost, for an initial period of 30 years beginning on April 1, 2015, with an option for an additional 10 year term, has been negotiated with the Church a copy of which is on file in the City Clerk's Office; and

WHEREAS, as part of the consideration for the lease of said property, Bloomfield United Methodist Church has agreed to convey to the City a Permanent Easement for Mutual Ingress and Egress across the Church's property to allow public access to the proposed parking lot; and

WHEREAS, it is in the best interest of the City to approve such Non-Exclusive Lease Agreement; and.



Roll Call Number

15-05210

Agenda Item Number

43

Date March 23, 2015

-2-

WHEREAS, on March 9, 2015 by Roll Call 15- 0389 it was duly resolved by the City Council that the proposed Amendment to Lease Agreement, be set down for hearing on March 23, 2015 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to lease 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 Amendment to Lease Agreement, 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 Non-Exclusive Lease Agreement of public real property as described below are hereby overruled and the hearing is closed.
2. There currently is no exclusive public need for the property to be leased and the public would not be inconvenienced by reason of the non-exclusive lease of a 1.32 acre parcel of Ewing Park, located at Indianola and McKinley Avenues, Des Moines, Iowa.
3. The Non-Exclusive Lease Agreement which provides for the non-exclusive lease of a 37 stall parking lot, including detention basin with associated storm sewer, lights, and landscaping, to be constructed and maintained by the Bloomfield United Methodist Church at its cost, for an initial period of 30 years beginning on April 1, 2015, with an option for an additional 10 year term, for the above described property, a copy of which is on file in the City Clerk's Office, be and is hereby approved.
4. The Council hereby determines that the consideration in the form of public benefit to the City of the construction of the Addition and Gym Improvements by Bergman Academy at its cost is acceptable to the City and constitutes the fair market value for such lease terms for such facilities and the proposed Addendum and Amendment to Lease Agreement, a copy of which is on file in the City Clerk's Office, be and is hereby approved



Roll Call Number

15-0526

Agenda Item Number

43

Date March 23, 2015

-3-

5. The Mayor is authorized and directed to sign said Non-Exclusive Lease Agreement on behalf of the City, and the City Clerk is authorized and directed to attest to the Mayor's signature.

6. The City hereby accepts the Permanent Easement for Mutual Ingress and Egress conveyed by the Bloomfield United Methodist Church across the Church's property to allow public access to the proposed parking lot.

(Council Communication 15-135 )

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk