



Roll Call Number

15-1962

Agenda Item Number

19-F

Date November 23, 2015

**RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION TO
AUTHORIZE A LEASE WITH CAPITOL CENTER, LLC FOR THE RENTAL OF
OFFICE SPACE AT 400 EAST COURT AVENUE SUITES 114, 116, 118 AND 200**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City"), should enter in to a Lease Agreement for the rental of office space located at 400 East Court Avenue, Suites 114, 116, 118 and 200, to be used for the temporary relocation of City Hall, as authorized by Sections 364.4(4) and 384.25 of the Iowa Code, as amended; and

WHEREAS, the terms of the Lease Agreement have been negotiated by and between the City and Capitol Center, LLC, pursuant to which the City would lease said real estate, and are set forth as follows:

1. Possession of the premises would be given to the City on April 1, 2016.
2. The initial lease term shall be thirty two (32) months.
3. The premises contain a total of 23,089 square feet between Suites 114, 116, 118 and 200.
4. The City shall pay an estimated total of \$982,052.13 for the initial term of the Lease Agreement, as follows:
 - a) \$366,653.32 for the first twelve months (12) of the Lease Agreement,
 - b) \$368,500.44 for months thirteen through twenty four (13-24) of the Lease Agreement, and
 - c) \$246,898.37 for months twenty five through thirty two (25-32) of the Lease Agreement.
5. At the end of month twenty four (24), the City shall have the right to terminate the Lease Agreement early; and

WHEREAS, the Lease Agreement shall be payable solely out of the City's General Fund;
and

WHEREAS, prior to authorizing said Lease Agreement, the City is required, pursuant to Sections 364.4 and 384.25 of the Iowa Code, to publish notice of the proposal and of the date and time of the meeting at which the City Council of the City of Des Moines, Iowa, proposes to discuss and then take action thereon, and to receive oral and written objections thereto from any resident or property owner of the City; and

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



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Section 1. That the Council meet in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m., on the 7th day of December, 2015, for the purpose of discussing the matter of the authorization of a Lease Agreement between the City of Des Moines, Iowa, and Capitol Center, LLC for the rental of 400 East Court Avenue, Suites 114, 116, 118 and 200, to be used for the temporary relocation of City Hall, said lease to be for approximately a thirty two (32) month period, and said lease calls for payment in the estimated amount of \$982,052.13, payable in monthly installments on a graduated basis.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the discussion of the proposed authorization of said Lease Agreement.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LEASE WITH CAPITOL CENTER, LLC FOR THE RENTAL OF OFFICE SPACE AT 400 EAST COURT AVENUE, AND OF PUBLIC HEARING ON THE AUTHORIZATION AND EXECUTION THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Des Moines, Iowa, will hold a public hearing on the 7th day of December, 2015, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa, at which meeting the Council proposes to discuss the proposed Lease Agreement with Capitol Center, LLC, for the lease of real estate consisting of a 23,089 square feet located at 400 East Court Avenue, Suites 114, 116, 118 and 200 in Des Moines.

This Agreement, if exercised by the City, would require the City to pay a total of \$982,052.13 in estimated lease payments, as follows:

- d) \$366,653.32 for the first twelve months (12) of the Lease Agreement,
- e) \$368,500.44 for months thirteen through twenty four (13-24) of the Lease Agreement, and
- f) \$246,898.37 for months twenty five through thirty two (25-32) of the Lease Agreement.

The lease payments for this property shall be payable from the City's General Fund of the City of Des Moines.

At the above meeting, the City Council of the City of Des Moines, Iowa, shall receive oral or written objections from any resident or property owner of the city to the above action. After all objections have been received and considered, the Council will at this meeting, or at any



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adjournment thereof, take additional action for the authorization of said Lease Agreement or will abandon the proposal.

This Notice is given by order of the Council of Des Moines, Iowa, as provided by Sections 364.4 384.25 of the Code of Iowa, as amended.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland
Assistant City Attorney

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

T. M. Franklin Council Mayor

[Signature] Diane Rauh City Clerk