

★ Roll Call Number

16.1159

Agenda Item Number

51

Date July 11, 2016

HOLD HEARING FOR AMENDMENT TO LEASE AGREEMENT WITH DRAKE UNIVERSITY TO ADD A LICENSE ALLOWING INSTALLATION OF A WATER LINE ACROSS A PORTION OF PROSPECT PARK

WHEREAS, on October 26, 2015, by Roll Call 15-1807, the City Council of the City of Des Moines, Iowa, ("City") approved a Lease Agreement with Drake University for approximately .75 acres of land in Prospect Park upon which, and as consideration for the lease agreement, Drake University is to build a boathouse and related improvements; and

WHEREAS, as part of the construction of the boathouse and related improvements Drake University has asked to amend the Lease Agreement to allow for the installation and maintenance of an underground water line and related utility equipment over, under and through a portion of land in Prospect Park, as described below.

WHEREAS, Drake University has asked that the Lease Agreement be amended to add a license ("License") to allow for the installation and maintenance of an underground water line and related utility equipment over, under and through the approximately .75 acres of land in Prospect Park; and

WHEREAS, on June 27, 2016, by Roll Call No. 16-1047, it was duly resolved by the City Council that consideration of the proposed Amendment to Lease Agreement be set down for hearing on July 11, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, in accordance with City Council direction, those interested in the proposed Amendment to Lease Agreement, both for and against, have been given an opportunity to be heard 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed Amendment to Lease Agreement with Drake University, as described below, are hereby overruled and the hearing is closed.
2. The public would not be inconvenienced by reason of the Amendment to Lease Agreement between the City of Des Moines and Drake University, as on file in the office of the City Clerk, across approximately .75 acres of land in Prospect Park, legally described as follows, for the purpose of installation and maintenance of an underground water line and related utility equipment, and said Amendment to Lease Agreement is hereby approved:

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THE WEST 30.00 FEET OF LOT 12 OF THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 LYING BETWEEN PROSPECT ROAD AND HICKMAN ROAD ALL BEING IN SECTION 27, TOWNSHIP 79, RANGE 24 WEST OF THE 5TH PM., CITY OF DES MOINES, POLK COUNTY, IOWA;

as depicted on Exhibit "A", attached hereto and made a part hereof;

AND

THE NORTH 30.00 FEET OF LOT 13 OF THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 LYING SOUTH OF PROSPECT ROAD AND LYING NORTH OF THE SOUTH 700 FEET OF SAID LOT 13, ALL BEING IN SECTION 27, TOWNSHIP 79, RANGE 24 WEST OF THE 5TH PM., CITY OF DES MOINES, POLK COUNTY, IOWA;

as depicted on Exhibit "B", attached hereto and made a part hereof.

3. The Mayor is authorized and directed to sign the Amendment to Lease Agreement identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Amendment to Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department.
5. There are no proceeds associated with this Council action.

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Moved by Gray to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
TOTAL	7			
MOTION CARRIED				

T. McFadden, 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