



Roll Call Number

17-0267

Agenda Item Number

18

Date February 20, 2017

SETTING DATE OF HEARING ON AMENDMENT OF LEASE AGREEMENT WITH GREATER DES MOINES BASEBALL CO. (IOWA CUBS) FOR LEASE OF PRINCIPAL PARK

WHEREAS, the City of Des Moines and Greater Des Moines Baseball Co. (GDMBC) entered into a Lease Agreement as of August 26, 1991, an Addendum to Lease Agreement as of September 13, 1999, an Amendment dated August 23, 2004, a Second Amendment dated October 9, 2006, and a Third Amendment dated April 7, 2008, under which Lessee was granted a lease of the premises described in the Lease, and commonly referred to as Principal Park, f/k/a Sec Taylor Stadium, the team clubhouse building and surrounding parking lots and grounds (collectively the "Lease Agreement"); and

WHEREAS, the Lease Agreement has a term ending on December 31, 2022, with two additional 5 year options to renew; and

WHEREAS, the City and GDMBC propose to amend the Lease Agreement to provide for a corrected legal description of the leased premises, as described below, and to extend the term of the Lease until December 31, 2027, with GDMBC having an option to renew for two additional 5 year periods, which Amendment to Lease Agreement is on file in the City Clerk's Office; and

WHEREAS, it is proposed that the area of the leased premises be amended to the following, as shown on the attached Exhibit A:

TRACT 1

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 37 OF FORT DES MOINES PLAT, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°(DEGREES)22'(MINUTES)33"(SECONDS) EAST, 510.51 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET TO THE POINT OF BEGINNING; THENCE NORTH 72°00'04" EAST, 38.38 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTH 17°59'56" WEST, 45.07 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTH 35°29'28" EAST, 29.94 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF WEST ML KING JR. PKWY; THENCE NORTH 88°58'53" EAST, 415.31 FEET ALONG SAID RIGHT OF WAY LINE TO THE WEST FACE OF THE DES MOINES RIVER WALL; THENCE 349.27 FEET, ALONG A 1019.43 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS SOUTH 37°24'07" EAST, 347.56 FEET ALONG SAID WEST FACE; THENCE SOUTH 48°37'19" EAST, 283.28 FEET ALONG SAID WEST FACE; THENCE 291.03 FEET, ALONG A 6953.47 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS SOUTH 50°24'15" EAST, 291.03 FEET ALONG SAID WEST FACE; THENCE SOUTH 52°34'18" EAST, 162.67 FEET ALONG SAID WEST FACE; THENCE SOUTH 07°58'07" EAST, 28.59 FEET ALONG SAID WEST FACE; THENCE SOUTH 06°46'05" WEST, 28.87 FEET ALONG SAID WEST FACE; THENCE SOUTH 42°10'26" WEST, 20.13 FEET ALONG SAID WEST FACE TO THE NORTH TOP OF BANK OF THE RACCOON RIVER; THENCE SOUTH 71°50'37" WEST, 96.71 FEET ALONG SAID NORTH TOP OF BANK; THENCE NORTH 77°59'32" WEST, 27.56 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 53°24'39" WEST, 16.48 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 87°21'39" WEST, 97.91 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 85°53'36" WEST, 172.52 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 75°28'20" WEST, 210.76 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 61°22'37" WEST, 13.61 FEET ALONG A SIDEWALK AT SAID NORTH TOP OF BANK; THENCE SOUTH 72°42'27" WEST, 179.07 FEET ALONG SAID SIDEWALK; THENCE SOUTH 66°55'56" WEST, 55.99 FEET ALONG SAID NORTH TOP OF BANK;



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THENCE SOUTH 58°42'29" WEST, 152.55 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 61°27'28" WEST, 97.34 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 67°10'11" WEST, 145.00 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 50°18'59" WEST, 27.09 FEET ALONG SAID NORTH TOP OF BANK TO THE EASTERLY SIDE OF SOUTHWEST 2ND STREET; THENCE 352.88 FEET ALONG A 300.00 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS NORTH 11°59'17" WEST, 332.89 FEET ALONG SAID EASTERLY SIDE; THENCE NORTH 21°42'34" EAST, 386.58 FEET ALONG SAID EASTERLY SIDE; THENCE 113.27 FEET, ALONG A 175.00 FOOT RADIUS CURVE CONCAVE WESTERLY, WHOSE CHORD BEARS NORTH 03°10'00" EAST, 111.30 FEET ALONG SAID EASTERLY SIDE; THENCE NORTH 15°22'33" WEST, 4.94 FEET ALONG SAID EASTERLY SIDE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET; THENCE NORTH 15°22'33" WEST, 329.16 FEET ON SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 19.40 ACRES MORE OR LESS.

TRACT 2

COMMENCING AT THE NORTHEAST CORNER OF LOT 9, FACTORY ADDITION REPLAT NO. 3, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 88°46'08" EAST, 68.81 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET; THENCE SOUTH 15°11'15" EAST, 67.06 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE 32.38 FEET, ALONG A 120.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, WHOSE CHORD BEARS NORTH 83°30'07" EAST, 32.28 FEET; THENCE SOUTH 88°46'08" EAST, 167.98 FEET; THENCE 19.86 FEET, ALONG A 80.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, WHOSE CHORD BEARS SOUTH 81°39'21" EAST, 19.81 FEET TO THE WESTERLY SIDE OF SOUTHWEST 2ND STREET; THENCE SOUTH 21°42'34" WEST, 351.79 FEET ALONG SAID WESTERLY SIDE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET; THENCE NORTH 15°11'15" WEST, 341.60 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 0.84 ACRES MORE OR LESS.

TRACT 3

COMMENCING AT THE NORTHEAST CORNER OF LOT 5, FACTORY ADDITION REPLAT NO. 3, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°11'15" EAST, 77.88 FEET ALONG THE WEST RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°11'15" EAST, 444.92 FEET ALONG SAID RIGHT OF WAY TO THE NORTH FACE OF THE RACCOON RIVER WALL; THENCE 466.92 FEET ALONG A 1982.89 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, WHOSE CHORD BEARS SOUTH 45°24'24" WEST, 465.84 FEET ON SAID NORTH FACE; THENCE SOUTH 36°37'12" WEST, 123.14 FEET ON SAID NORTH FACE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 5TH STREET; THENCE 110.50 FEET ALONG A 167.10 FOOT RADIUS CURVE CONCAVE NORTHERLY, WHOSE CHORD BEARS NORTH 72°32'46" WEST, 108.50 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE 257.87 FEET, ALONG A 2863.93 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, WHOSE CHORD BEARS NORTH 27°20'01" EAST, 257.78 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5; THENCE NORTH 24°45'15" EAST, 653.80 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING CONTAINING 3.41 ACRES MORE OR LESS.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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 proposes to amend the Lease Agreement between the City of Des Moines, Iowa, and Greater Des Moines Baseball Co. for lease of Principal Park, at One Line Drive and adjacent property, to correct the legal description by



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amending it as described below, as shown in the attached Exhibit A, and to extend the term of the Lease Agreement until December 31, 2027 with two 5 year renewal options:

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TRACT 3

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PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. A public hearing on the Amendment to Lease Agreement for such real estate is to be considered shall be held on March 6, 2017 at 5:00 pm in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.
3. The City Clerk is authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication 17-079)

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (7 yeas).

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