



Roll Call Number

17-0405

Agenda Item Number

53

Date March 6, 2017

HOLD 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 Agreement 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, and 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.

WHEREAS, on February 20, 2017, by Roll Call No. 17- \_\_\_\_\_, it was duly resolved by the City Council that the proposed Lease Amendment be set down for hearing for hearing on March 6, 2017, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to adopt an Amendment to Lease for such real property was given as provided by law, setting forth the time and place for hearing on said proposal; and



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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 circumstances of interested persons, the objections to said proposed Amendment of Lease Agreement, a copy of which is on file in the City Clerk's Office, of the above described real estate, and which extends the term of the lease until December 31, 2027, with two 5 year renewal terms, are hereby overruled and the hearing is closed.

2. There is no public need for the above described real estate and the public would not be inconvenienced by reason of the proposed lease of such real property.

4. The Council hereby determines that the consideration in the Lease Agreement constitutes the fair market value for such lease terms and the proposed Amendment to Lease Agreement, a copy of which is on file in the City Clerk's Office, be and is hereby approved.

5. The Mayor is authorized and directed to sign said Amendment to Lease Agreement identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

6. 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 for the purpose of causing said documents to be recorded.

8. Upon execution of said Amendment, the Real Estate Division of the Engineering Department is authorized and directed to forward the original of said Amendment, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

9. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division shall file the original of this Amendment and send copies to the City Clerk, the Land Records Clerk and to the Greater Des Moines Baseball Co.



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(Council Communication 17- 259 )

Moved by Hensley 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.

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

Diane Rauh City Clerk