



**Roll Call Number**

22-0325

**Agenda Item Number**

35

**Date** March 7, 2022

**SET HEARING FOR APPROVAL OF A LEASE AGREEMENT WITH DES MOINES HISTORICAL SOCIETY OF DES MOINES, IOWA FOR A PORTION OF VACATED PARKLAND LOCATED SOUTH OF UNIVERSITY AVENUE AT THE NORTHEAST CORNER OF WAVELAND GOLF COURSE**

**WHEREAS**, on October 18, 2021, by Roll Call No. 21-1582, the City Council of the City of Des Moines, Iowa voted to approve the vacation of certain parkland adjacent to the northeast corner of Waveland Golf Course, lying south of and adjoining University Avenue right-of-way (hereinafter “Property”); and

**WHEREAS**, the Property is the site of the former streetcar turnaround loop for the City of Des Moines trolley that would drop golfers off at the entrance to Waveland Golf Course and then loop back east; and

**WHEREAS**, the City’s Real Estate Division has negotiated a Lease Agreement (“Agreement”) with Des Moines Historical Society of Des Moines, Iowa, 420 51<sup>st</sup> Street, Des Moines, Iowa, an Iowa non-profit corporation, for the establishment of the Waveland Trolley Loop memorial on the Property that will commemorate what life was like in the days of the streetcar, which Agreement will include, among other terms, the following:

- a twenty (20) year lease term (Initial Term) with the unilateral right to renew the Agreement for one additional twenty (20) year term (Renewal Term);
- a one-time lump sum lease payment of One Thousand Dollars (\$1,000.00) for the Initial Term of the agreement; and a one-time lump sum lease payment of Two Thousand Dollars (\$2,000.00) for the Renewal Term of the Agreement, which amounts reflect the fair market value of the leased area as currently estimated by the City’s Real Estate Division;
- the right to assign the Agreement without prior written approval from City to The Waveland Trolley Loop Foundation, once such entity has been fully and officially formed; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be leased, and the City will not be inconvenienced by the lease of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to lease a portion of vacated parkland adjacent to the northeast corner of Waveland Golf Course, lying south of and adjoining University Avenue right-of-way, as legally described, to Des Moines Historical Society of Des Moines, Iowa, for a one-time lump sum lease payment of One Thousand Dollars (\$1,000.00) for the initial twenty-year term of the agreement, subject to a reservation of easements therein, and further subject to all terms and conditions contained in the Lease Agreement:



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Legal Description: A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 1; THENCE ALONG THE NORTH LINE OF SAID SECTION 1 SOUTH 89°42'13" EAST, FOR A DISTANCE OF 2611.90 FEET; THENCE SOUTH 00°17'47" WEST, FOR A DISTANCE OF 41.41 FEET TO THE POINT-OF-BEGINNING; THENCE SOUTH 00°07'23" EAST, FOR A DISTANCE OF 18.01 FEET; THENCE SOUTH 39°03'44" WEST, FOR A DISTANCE OF 53.50 FEET; THENCE NORTH 89°41'31" WEST, FOR A DISTANCE OF 56.06 FEET; THENCE NORTH 40°59'06" WEST, FOR A DISTANCE OF 41.52 FEET; THENCE NORTH 07°07'23" WEST, FOR A DISTANCE OF 28.54 FEET; THENCE SOUTH 89°41'31" EAST, FOR A DISTANCE OF 117.03 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 5,861 SQUARE FEET (0.135 ACRES MORE OR LESS).

2. A public hearing shall be held on March 21, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. March 17, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the March 21, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



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Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

02

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**CERTIFICATE**

I, P. Kay Cmelik, 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.

MOTION CARRIED APPROVED  
T. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk