



**Roll Call Number**

22-0464

**Agenda Item Number**

1de

**Date** March 21, 2022

**HOLD 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 off golfers 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 with the unilateral right to renew the Agreement for one additional twenty (20) year 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; and

**WHEREAS**, on March 7, 2022, by Roll Call No. 22-0325, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed lease of said portion of vacated parkland be set for hearing on March 21, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

**WHEREAS**, due notice of said proposal to lease the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed lease, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.



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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed lease of said Property as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the vacated parkland proposed to be leased, and the public would not be inconvenienced by reason of the lease of the vacated parkland adjacent to the northeast corner of Waveland Golf Course, lying south of and adjoining University Avenue right-of-way, Des Moines, Iowa, legally described as follows, 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:

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).

3. The Mayor is authorized and directed to sign the Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. Upon proof of payment of the consideration, the City Clerk is authorized and directed to forward the original of the 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Agreement, 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 these documents to be recorded.



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6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Lease Agreement and copies of the other documents to the grantee.

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

**(Council Communication No. 22-128)**

Moved by Voss to adopt. Second by Mandelbaum

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED APPROVED

J. M. Frankhu Cowan  
Mayor

**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.

P. Kay Cmelik

City Clerk