



**Roll Call Number**

22-1578

**Agenda Item Number**

67A

**Date** ..... October 3, 2022 .....

**APPROVING LOT TIE COVENANT FOR FIVE PARCELS OF PRINCIPAL PARK**

**WHEREAS**, the City of Des Moines owns five parcels of real property located at 1 Line Drive, Des Moines, and commonly known as Principal Park; and

**WHEREAS**, the City of Des Moines and DBH Iowa, LLC, through its assignor 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, a Third Amendment dated April 7, 2008, a Fourth Amendment dated March 6, 2017, and a Fifth Amendment dated October 3, 2022, 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; and

**WHEREAS**, the City Parks and Recreation Department, Engineering Department and Facilities Division wish to undertake the Principal Park Phase 1 Improvements project (“Project”), which Project entails moving Principal Park toward required compliance with Major League Baseball’s new Minor League Baseball facility standards addressing other deficiencies and aging components of the facility including improvements to the current clubhouse building such as building envelope integrity, new interior functional requirements, new player support programming requirements, new staffing facility requirements, replacement of aging mechanical, electrical and plumbing systems, and improved flood resiliency; and

**WHEREAS**, the City, through its City Manager’s Office, Facilities Division and Parks and Recreation Department, have undertaken the site plan process for the Project, and during said process, the City’s Planning and Development Center identified the need for the City’s five parcels to be combined into a single parcel for compliance with the Building and Fire Codes; and

**WHEREAS**, the consolidation of said parcels can be achieved through approval of a Declaration of Covenants, in form on file in the office of the City Clerk, combining said parcels of the City-owned property; and

**WHEREAS**, DBH Iowa, LLC, as Lessee of the property, has consented in writing to said Declaration of Covenants.

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

1. The above-described Declaration of Covenants is hereby approved as to the following real property:

**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



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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; 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;



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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, 257.7t8 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.

- 2. The Mayor is authorized and directed to sign said Declaration of Covenants identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature; and the City Clerk is further authorized and directed to execute the Acceptance of said Declaration on behalf of the City.
3. The City Clerk is authorized and directed to forward the original Declaration of Covenants, together with a certified copy of this resolution, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
4. The Real Estate Division of the Engineering Department is authorized and directed to forward the original of said Declaration, together with a certified copy of this resolution, to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.
5. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division shall file the original of this Declaration and send copies to the City Clerk, the Land Records Clerk, the City Parks and Recreation Department, and to the Lessee.

Moved by Voss to adopt.

Second by Boesen.

APPROVED AS TO FORM:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL (YEAS: 7).

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor signature: J. M. ...

City Clerk signature: Laura Baumgartner