

★ **Roll Call Number**

24-1732

**Agenda Item Number**

36

**Date** December 23, 2024

**APPROVAL OF FIRST AMENDED AND RESTATED SKYWALK CORRIDOR SURFACE LEASE AGREEMENT WITH DOWNTOWN DSM, INC.**

**Whereas** the City of Des Moines has constructed skywalk corridors within the 9<sup>th</sup> and Locust Parking Garage, the 5<sup>th</sup> and Keo Parking Garage, the 4<sup>th</sup> and Grand Parking Garage, 3<sup>rd</sup> and Court Parking Garage, and the 4<sup>th</sup> and Grand Parking Garage, and has incorporated into the surfaces of the parking garage adjacent to the Skywalk Corridor, including display cases; and

**Whereas** the City of Des Moines has constructed elevators (doors) in skywalk corridors within the 9<sup>th</sup> and Locust Street Parking Garage and 4<sup>th</sup> and Grand Parking Garages and desires to lease said door space for vinyl coverings shown on the plans on file in the City Clerk's Office; and

**Whereas** in 1991, the City of Des Moines entered into a lease agreement with Downtown DSM, Inc. for use of the above referenced display cases and graphics to promote activities and business within the downtown area; and

**Whereas** on December 18, 2023, the parties entered a new lease for a term extending to November 5, 2028, subject to certain terms and conditions; and

**Whereas** the parties wish to amend and restate said new lease to allow Downtown DSM, Inc. to install the Joywalk Project ("Art") within certain skywalk corridors located within the 4<sup>th</sup> and Grand Parking Garage and the 5<sup>th</sup> and Keo Parking Garage, in accordance with the design and renderings depicted on plans on file in the City Clerk's Office, which Art shall serve the public purpose of enhancing the pedestrian experience within the skywalk system by providing color, interest, interaction and culture therein.

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

1. The First Amended and Restated Skywalk Corridor Surface Lease Agreement is hereby approved.
2. The Mayor is authorized and directed to sign said agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.



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Moved by Coleman to adopt.
Second by Gatto

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL.

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk