



Roll Call Number

25-0297

Agenda Item Number

49

Date February 24, 2025

HOLD HEARING FOR APPROVAL OF A LEASE AGREEMENT WITH RILEY DRIVE ENTERTAINMENT XIII, INC. D/B/A TONIC BAR DES MOINES FOR LEASE OF A PORTION OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY ADJOINING 210 COURT AVENUE FOR USE AS A SIDEWALK CAFE

WHEREAS, the City of Des Moines (“CITY”) is the titleholder of certain vacated north/south alley right-of-way adjoining 210 Court Avenue, Des Moines, Iowa (“Leased Premises”), legally described as follows:

THE SOUTH 50.58 FEET OF THE NORTH 53.83 FEET OF THE EAST 16.0 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 30, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 809 SQUARE FEET; and

WHEREAS, Riley Drive Entertainment XIII, Inc. d/b/a Tonic Bar Des Moines, an Iowa corporation, wishes to lease the Leased Premises for the purpose of operating a sidewalk café with alcoholic beverage service; and

WHEREAS, the CITY has negotiated a Lease Agreement (“Agreement”) with Riley Drive Entertainment XIII, Inc. d/b/a Tonic Bar Des Moines, Kyle Pritchard, President, for lease of a portion of the vacated north/south right-of-way adjoining 210 Court Avenue, which Agreement will include, among other terms, the following:

- An initial fixed ten-year term at a rate of \$1,500.00 per year;
- All standard terms and conditions of a Sidewalk Café lease;
- The right of either party to terminate the Agreement prior to the end of the fixed license term, with or without cause, upon thirty (30) days written notice to the other party; 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 February 10, 2025, by Roll Call No. 25-0184, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed lease of a portion of the vacated north/south alley right-of-way adjoining 210 Court Avenue, Des Moines, Iowa be set for hearing on February 24, 2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to lease City right-of-way 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.



Roll Call Number

25-0297

Agenda Item Number

49

Date February 24, 2025

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 a portion of vacated north/south alley right-of-way lying west of and adjoining 210 Court Avenue, as described herein, are hereby overruled and the hearing is closed.
2. The proposed lease of a portion of the vacated north/south alley right-of-way lying west of and adjoining 210 Court Avenue, as legally described and to the Lessee and for the consideration identified below, is hereby approved:

Lessee: Riley Drive Entertainment XIII d/b/a Tonic Bar Des Moines

Consideration: \$1,500.00

Legal Description: THE SOUTH 50.58 FEET OF THE NORTH 53.83 FEET OF THE EAST 16.0 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOT 11, BLOCK 30, FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 809 SQUARE FEET

3. The Mayor is authorized and directed to sign the Lease 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 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.
5. That the Real Estate Division Manager of the Engineering Department is hereby authorized, directed and designated to act on behalf of the City to administer and enforce the terms of the Lease Agreement, and is further authorized and directed to approve and execute any non-substantive amendments to the Lease Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.
6. Non-project related land sale and lease proceeds are used to support general operating budget expenses: Org – EG064090.



Roll Call Number

25-0297

Agenda Item Number

49

Date February 24, 2025

Moved by Mandelbaum to adopt. Second by Gatto.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>Connie Baccin</u> Mayor				

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.

Laura Baumgartner

Laura Baumgartner, City Clerk