

SET 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 201 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 201 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 201 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.

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

1. The City Council of the City of Des Moines, Iowa, proposes to lease a portion of the vacated north/south alley located west of and adjoining 201 Court Avenue, as legally described and to the Lessee and for the consideration identified below, subject to reservation of easements therein:

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



Roll Call Number

Agenda Item Number

25-0184

20

Date February 10, 2025

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

- 2. That the meeting of the City Council at which the approval of such lease of the vacated City right-of-way is to be considered shall be on February 24, 2025, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
4. Non-project related land sale and lease proceeds are used to support general operating budget expenses: Org – EG061074.

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

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

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

MOTION CARRIED APPROVED
Connie Bacon 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