

ORDINANCE NO. 14,369

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Article V, of Chapter 74, Parks and Recreation, Sections 74-141 through 74-148 thereof, renaming Sec Taylor Stadium to Principal Park Stadium.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by amending Article V, of Chapter 74, Parks and Recreation, Sections 74-141 through 74-148 thereof, renaming Sec Taylor Stadium to Principal Park Stadium, as follows:

ARTICLE V. PRINCIPAL PARK STADIUM

Sec. 74-141. Maintenance as public property.

Principal Park Stadium shall be known, operated and maintained as public property and shall not be included within the park and playground area of the city.

Sec. 74-142. Operation of historic facility.

The park and recreation board shall have the right to operate a special historic facility known as Fort Des Moines No. 2 on the Principal Park Stadium site.

Sec. 74-143. Jurisdiction.

The use, operation, control, maintenance, terms and conditions upon which Principal Park Stadium shall be used are declared

within the jurisdiction of the park and recreation board with the approval of the city manager and city council.

Sec. 74-144. Use declared public benefit.

It is declared that the property designated as "Principal Park Stadium" shall not be needed for the immediate use of the city, and it is further declared that the use, operation, control and maintenance of the stadium and the improvement thereof from gifts and donations or otherwise shall be deemed for the public benefit.

Sec. 74-145. Authority for leases.

The mayor is authorized to sign on behalf of the city and the city clerk is authorized to attest such signature on any lease, rental or grant of use of the Principal Park Stadium or part thereof, when approved by a vote of the city council.

Sec. 74-146. Reversion after termination of lease.

At the termination of any lease having a fixed term of more than one year or any extension thereof for more than a year at Principal Park Stadium, the property as improved shall revert to the control of the park and recreation board for park and playground purposes, when so ordered by the city council.

Sec. 74-147. Accounts of lessee.

- (a) A lessee of Principal Park Stadium or any part thereof shall maintain such financial accounts and records as are customary in the business. If the lessee is in default under the terms of the lease with the city, the lessee shall make such accounts and records available to the city upon request at any reasonable time which does not interfere with lessee's operations.
- (b) If a lease provides for a financial consideration consisting of a percentage of the gross or net profits or receipts of any part of the business operation of the lessee, such as the gate, concessions or other operation, the lessee shall make such accounts and records available to the city upon request at any reasonable time which does not interfere with the lessee's operations.

Sec. 74-148. Indemnity to city.

Any lease or sublease of the premises at Principal Park Stadium shall contain a provision saving the city harmless from liability to the public growing out of or connected with the use, occupancy, operation and control of the stadium. No lease shall be assigned without the written consent of the city duly approved by the city council.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Ordinance No. _____ cont'd

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 04-1815), passed by the City Council of said City at a meeting held August 23, 2004 signed by the Mayor on August 23, 2004 and published as provided by law in the Business Record on September 6, 2004 Authorized by Publication Order No. 4377.

Diane Rauh, City Clerk