

Date April 7, 2008

**APPROVAL OF FARM LEASE AGREEMENT FOR APPROXIMATELY 166 ACRES OF CITY-OWNED PROPERTY LOCATED IN THE DES MOINES AGRIMERGENT TECHNOLOGY PARK AT SE 43<sup>RD</sup> STREET AND VANDALIA ROAD TO DAVID MARSHALL FOR \$54,365**

WHEREAS, on January 26, 1998, by Roll Call No. 98-275, the City Council of the City of Des Moines approved the Southeast Agribusiness Urban Renewal Plan to create and sustain development that will generate an increased tax base and retain and create livable wage jobs in a healthy, high quality environment based upon research and development manufacturing and other industrial uses while protecting existing residentially-zoned areas from negative impacts; and

WHEREAS, on December 6, 1999, by Roll Call No. 99-3720 the City Council approved the purchase of approximately 166 acres of land from Archer Daniels Midland Company in the vicinity of the southwest corner of 43<sup>rd</sup> Street and Vandalia Road, as described below (hereinafter referred to as "Property"), which would enhance redevelopment efforts of the Des Moines Agrimergent Technology Park:

A parcel of land in Section 17 and 18, Township 78 North, Range 23 West of the 5th P.M., more particularly described as follows: Commencing as a point of reference at the Northwest corner of said Section 17; thence South 00°14'28" East, along the West line of the Northwest 1/4 of said Section 17, a distance of 33.04 feet to the present South right of way line of Vandalia Road and the POINT OF BEGINNING: thence South 87°28'38" East, along said South right of way line, 2,501.52 feet; thence Southeast along a 136.09 foot radius curve, concave Southwest with a central angle of 87°27'20", a chord distance of 188.14 feet, a chord bearing of South 43°44'58" East, for a distance of 207.73 feet; thence South 00°01'18" East, along the present west right of way line of Southeast 43rd Street, 1,160.34 feet; thence North 87°32'06" West, 1,300.8 feet to a found rerod with yellow cap #6886; thence South 0°16'51" East, 663.17 feet to a found "X" cut in top of post; thence South 0°06'27" West, 1,226.15 feet to a found 5/8" rerod; thence North 48°42'34" West, 3,670.71 feet to a found 5/8" rerod; thence North 2°30'17" East, 879.50 feet to the present south right of way line of Vandalia Road; thence South 87°28'40" East, 1,390.01 feet to the POINT OF BEGINNING, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 7,258,667.5 square feet or 166.64 acres,

and

WHEREAS, on April 17, 2000, by Roll Call No. 00-1070, the City Council approved a cash farm lease with Ken Murrow of Alleman to farm the Property, which lease was terminated in 2006 in

DESCRIPTION REVIEWED  
James C. [Signature]  
3/10/2008 11:28

.....  
**Date**..... April 7, 2008.....

**WHEREAS**, on January 22, 2007, by Roll Call No. 07-145, the City Council approved an Urban Renewal Agreement with Vision Fuels Des Moines, L.L.C. for the sale of 129 acres of the Property; and

**WHEREAS**, on October 22, 2007, by Roll Call No. 07-2050, the City Council approved an Amended and Restated Agreement for Sale of Land for Private Redevelopment (the "Agreement") with Vision Fuels to increase the amount of the City-owned land to be sold to the Developer to approximately 164 acres, and adjust the timetable for the project; and

**WHEREAS**, on February 11, 2008, by Roll Call No. 08-263, the City Council approved an Addendum to the Urban Renewal Agreement with Vision Fuels Des Moines, L.L.C. for the sale of the 164 acres of the Property to extend closing on the Property until November 1, 2008; and

**WHEREAS**, on February 11, 2008, a Request for Bid was prepared by the City's Real Estate Division and was mailed to fourteen (14) potential farm tenants regarding the leasing of the 164-acre Property; and

**WHEREAS**, on February 26, 2008, sealed bids from seven prospective tenants were opened and David C. Marshall, 6320 SE 60<sup>th</sup> Street, Carlisle, IA 50047, submitted the highest bid of \$327.50 per acre or \$54,365 for the lease term; and

**WHEREAS**, the Real Estate Division has negotiated a Farm Lease Agreement, a copy of which is on file in the City Clerk's office, for the 2008 growing season with David C. Marshall that will terminate on November 1, 2008, and will not negatively impact the terms and conditions of the City's agreement with Vision Fuels for the purchase of the property and the proposed construction of an ethanol facility.

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

1. That the above described Farm Lease Agreement on file in the office of the City Clerk leasing City-owned farm land at 43<sup>rd</sup> and Vandalia Road, specifically described above, to David C. Marshall be and is hereby approved.

2. That the Mayor is hereby authorized and directed to sign said Farm Lease Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

★ **Roll Call Number**

**Agenda Item Number**

**21**

Date April 7, 2008

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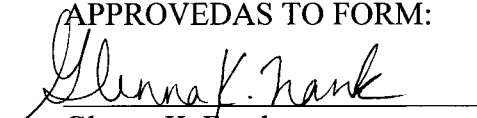
3. That the Real Estate Division of the Engineering Department is hereby authorized and directed to manage and enforce the terms of the Farm Lease Agreement.

4. That the duration of the Farm Lease Agreement will not be extended beyond November 1, 2008.

(Council Communication No. 08-**201**)

MOVED by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

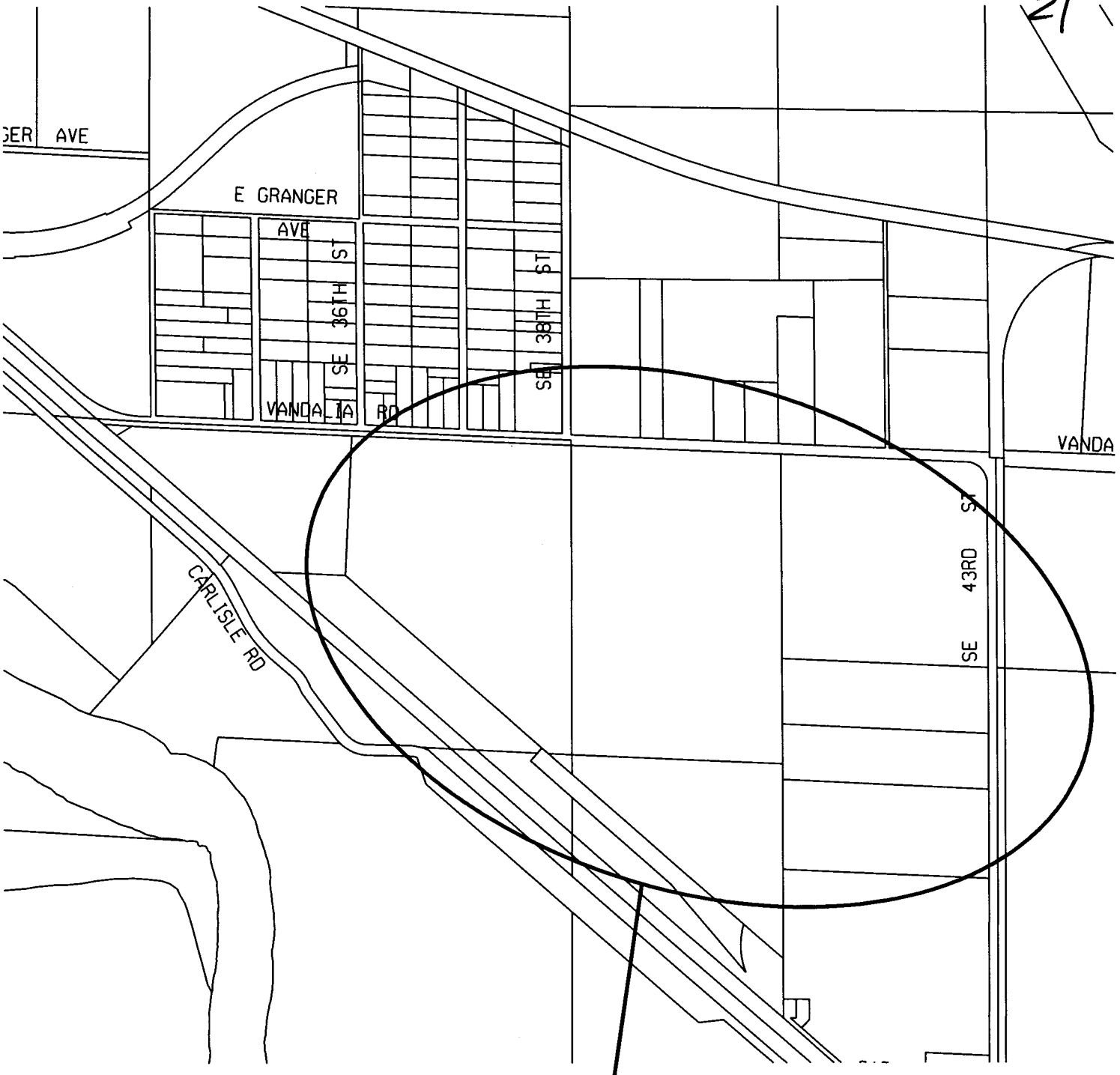
**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
 City Clerk

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PROJECT LOCATION

FARM LEASE AGREEMENT  
WITH DAVID C. MARSHALL  
33-2003-001