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Date..... April 9, 2007

HEARING ON APPROVAL OF LEASE AGREEMENT WITH SOUTH DES MOINES  
LITTLE LEAGUE FOR JAMES W. COWNIE BASEBALL PARK

WHEREAS, the Des Moines Park and Recreation Department is charged with maintaining and programming the James W. Cownie Baseball Park ("Baseball Park"), which is owned by the City; and

WHEREAS, the South Des Moines Little League. ("SDMLL") has expressed a desire to lease the Baseball Park to provide services to their membership; and

WHEREAS, on March 28, 2005, by Roll Call No. 05-737, the City Council approved an agreement with Polk County and the Greater Des Moines Community Foundation to provide design services, financing and construction of the baseball park improvements ("the 28E Agreement"); and

WHEREAS, the 28E Agreement called for the City to enter into a Lease Agreement with SDMLL for use of these donated improvements; and

WHEREAS, City staff and the SDMLL have negotiated a Lease Agreement for a period from March 15, 2007 until December 31, 2026, providing for the SDMLL to have exclusive use of the Baseball Park from March 15 through June 30 of each year of the Lease Agreement, for an annual payment to the City of at least \$25,000, with lease payments to be negotiated for an amount to exceed \$25,000 annually for the 2008, 2009 seasons and for three year intervals thereafter; and

WHEREAS, under said Lease Agreement, SDMLL shall have the exclusive right to provide for the concession operations and will retain all revenues from said operation with the exception of paying the City 20% of gross sales income from City hosted tournaments; and

WHEREAS, the use of said real estate is presently not required for municipal purpose; and

WHEREAS, on March 26, 2007, by Roll Call No. 07- , it was truly resolved by the City Council that the proposed lease of such real property be set down for hearing on April 9, 2007, at 5:00 p.m. in the Council Chamber; and

WHEREAS, in accordance with said notice, those interested in said proposed Lease Agreement, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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Date April 9, 2007

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed lease of public real property as described above are hereby overruled and the hearing is closed.
2. That the form of the Lease Agreement between South Des Moines Little League and the City of Des Moines, which is on file with the City Clerk's Office, be and is hereby approved.
3. That the Mayor is authorized and directed to sign said Lease Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. That 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 Property Management division of the Park and Recreation Department for the purpose of causing said documents to be recorded in the Polk County Recorder's Office, upon full execution.
5. Upon receipt of the recorded documents back from the Polk County Recorder, the Property Management division shall file the original of the Lease Agreement and send copies to the City Clerk, the Land Records Clerk and to the South des Moines Little League.

(Council Communication 07-184)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, 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