

Date May 8, 2006

SET HEARING FOR THE VACATION AND LEASE OF A PORTION OF BIRDLAND PARK ALONG THE DES MOINES RIVER TO THE DES MOINES POWER BOAT CLUB

WHEREAS, the Des Moines Power Boat Club has leased the below described portion of Birdland Park from the City since at least 1948 for use as storage for its club member's boats; and

WHEREAS, the Park and Recreation Board has recommended the vacation of the below described portion of Birdland Park; and

WHEREAS, on April 16, 2001, by Roll Call No. 01-1139 the City Council approved a 5 year lease agreement with the Des Moines Power Boat Club; and

WHEREAS, the Des Moines Power Boat Club desires to continue to lease the below described real property for the storage of its club member's boats; and

WHEREAS, Park and Recreation Department staff and the Des Moines Power Boat Club have negotiated a Lease Agreement, a copy of which is on file in the City Clerk's Office, from January 1, 2006 until December 31, 2010; and

WHEREAS, Des Moines Power Boat Club has agreed to pay a lease rental rate of \$1400.00 for year 1, \$1500.00 for year 2, \$16,00 for year 3, \$1700.00 for year 4 and \$1800.00 for year 5 of the lease plus 15% of the total gross receipts from the fees collected by the Club for boat storage.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the below described portion of Birdland Park:

DESCRIPTION REVIEWED
 J. Anderson
 5/03/06 12:37

Part of the Northeast ¼ of Section 34, Township 79 North, Range 24 West of the 5th P.M., more particularly described as follows: Commencing at a point of reference at the northeast corner of the Northeast ¼ of said section 34; thence South 0° (degrees) 18' (minutes) 26" (seconds) East along the East line of said Northeast ¼, 341.65 feet; thence south 89° 41' 34" west, 746.40 feet to the point of beginning; thence south 4° 20' 49" West, 139.04 feet to the North Bank of the Des Moines River; thence North 77° 16' 58" West along said North Bank, 365.94 feet; thence North 24° 54'20" East, 132.84 feet; thence South 78° 40' 25" East, 317.75 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 1.05 acres..

★ Roll Call Number

Agenda Item Number

12

Date May 8, 2006

2. That if the City Council decides to vacate the above described park land, the City of Des Moines proposes to lease such real property to the Des Moines Power Boat Club for the above described rental rate.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such real estate is to be considered shall be on May 22, 2006, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. 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.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
BROOKS				
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