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Date May 22, 2006

**HOLD 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, for an initial period 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.

WHEREAS, on May 8, 2006, by Roll Call No. 06-_____, it was duly resolved by the City Council that the proposed vacation of the below described portion of Birdland Park be set down for hearing on May 22, 2006, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and lease such real property was given as provided by law, setting forth the time and place for hearing on said proposal; and

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

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and lease of the below described portion of Birdland Park are hereby overruled and the hearing is closed.

★ Roll Call Number

Agenda Item Number

47

Date May 22, 2006

DESCRIPTION REVIEWED
5/23/06
Ann DiDonato

2. There is no public need for the below described portion of Birdland Park proposed to be vacated and the public would not be inconvenienced by reason of the vacation of such parkland specifically described as follows:

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..

3. That the lease for a term of five years to the Des Moines Power boat Club of the above described real property for \$1400.00 for year 1, \$1500.00 for year 2, \$1600.00 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, be and is hereby approved.

4. The Mayor is authorized and directed to sign the Lease Agreement for the lease identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication No.06-314)

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				
VLISSIS				
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