

Date June 19, 2006

HEARING ON APPROVAL OF LEASE OF REAL ESTATE IN THE VICINITY OF
1300 SE 1ST STREET TO AMERICAN LAND AND DEVELOPMENT
CORPORATION

WHEREAS, the City is the titleholder of certain real estate in the vicinity of 1300 SE 1st Street, which real estate is more particularly described as:

Tract "A"

All that part of Lots 6, 7 and 8 in Block 19 in SOUTH FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Southeast corner of Lot 6 in said Block 19; thence N75°05'44"W, along the South line of said Lot 6, a distance of 7.00 feet; thence N17°30'00"E, a distance of 68.50 feet to a point on the Northerly line of said Lot 6 which is 7.0 feet Westerly of the NE corner of said Lot 6; thence N11°42'43"E, a distance of 68.64 feet to a point on the Northerly line of said Lot 7 which is 14.0 feet Westerly of the NE corner of said Lot 7; thence N02°29'42"W, a distance of 71.57 feet to a point on the Northerly line of said Lot 8 which is 38.5 feet Westerly of the NE corner of said Lot 8; thence S75°24'18"E, along the North line of said Lot 8, a distance of 10.00 feet; thence S00°10'19"E, a distance of 70.75 feet; thence S13°22'53"W, a distance of 68.58 feet; thence S15°49'37"W, a distance of 68.45 feet to the Point of Beginning. Said parcel contains by survey 1403 sq ft.

Tract "B"

All that part of vacated Monroe Street lying North of Lots 1 and 8 in Block 19 in SOUTH FORT DES MOINES, having been vacated by Ordinance #14382, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence N17°37'36"E, along the northerly projection of the East line of South Union Street, a distance of 24.00 feet; thence S87°51'35"E, a distance of 136.48 feet; thence S80°28'23"E, a distance of 79.14 feet; thence S22°49'56"E, a distance of 25.15 feet; thence S20°17'43"E, a distance of 18.26 feet; thence S16°22'51"E, a distance of 11.65 feet; thence S09°38'15"E, a distance of 16.43 feet; thence N75°24'18"W, along the North line of said Lot 8, a distance of 10.00 feet to a point on the Northerly line of said Lot 8 which is 38.5 feet Westerly of the NE corner of said Lot 8; thence N09°36'21"W, a distance of 36.13 feet to a point being 55.0 feet Westerly of the northerly projection of the Easterly line of said Block 19; thence N22°56'49"W, a distance of 8.82 feet to a point being 40 feet Northerly of the North line of said Lot 8; thence N75°24'18"W, being parallel with the North line of said Lot 8, a distance of 87.77 feet; thence S17°30'00"W, a distance of 40.00 feet to the Northeast corner of Lot 1, Block 19; thence N75°36'31"W, a distance of 131.85 feet along the North line of said Lot 1 to the Point of Beginning. Said parcel contains by survey 7374 sq ft.

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WHEREAS, American Land and Redevelopment Corporation d/b/a Romeo's On the River ("American Land") operates a restaurant adjacent to such property and desires to lease said real estate to use for additional parking, landscaping, building encroachments existing prior to March 1, 2006, and as open space and green space purposes; and

WHEREAS, the lease of said real estate by American Land for such purposes will not adversely affect the use of adjoining real estate by the City for municipal purposes and use of the real estate is presently not required for municipal purposes; and

WHEREAS, American Land and has offered as consideration for the lease of such property to install certain landscaping at its sole expense, in accordance with a landscape plan as approved by the Director of the Park and Recreation Department, and to be owned by the City upon its installation; and

WHEREAS, the Park and Recreation Department staff and American Land have negotiated a Lease Agreement, a copy of which is on file in the City Clerk's Office, for a period of 6 years from April 1, 2006 until March 31, 2012, which also provides that American Land will receive a credit of \$4,500.00 for landscaping installed pursuant to the proposed lease agreement toward the purchase price of such property in the event that American Land offers to purchase such property prior to the expiration of the proposed lease; and

WHEREAS, on June 5, 2006, by Roll Call No. 06- , it was truly resolved by the City Council that the proposed lease of such real property be set down for hearing on June 19, 2006, 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.

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 American Land and Redevelopment Corporation and the City of Des Moines, which is on file with the City Clerk's Office, be and is hereby approved.

★ **Roll Call Number**

Agenda Item Number

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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 American Land and Redevelopment Corporation.

(Council Communication 06-319)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

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