

Date June 22, 2020

**HOLD HEARING FOR APPROVAL OF AN AMENDMENT TO THE LEASE AGREEMENT WITH DRAKE UNIVERSITY FOR THE BUILDING LOCATED AT 1220 24<sup>TH</sup> STREET HOUSING THE POLICE DEPARTMENT TRAFFIC UNIT**

**WHEREAS**, on January 28, 2008, by Roll Call No. 08-166, the City Council of the City of Des Moines, Iowa voted to approve a 3-year lease agreement (“Agreement”) with Drake University for a building at 1220 24<sup>th</sup> Street (former post office), to house the Des Moines Police Department Traffic Unit; and

**WHEREAS**, the Agreement had an initial 3-year term and two additional 3-year terms, and automatic 3-year renewals thereafter, which have all expired but which Agreement has continued on a year to year basis; and

**WHEREAS**, Drake University and the City of Des Moines have mutually agreed to amend certain terms of the Agreement; and

**WHEREAS**, on June 8, 2020, by Roll Call No. 20-0905, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed amendment of Operational Agreement be set for hearing on June 22, 2020, at 5:00 p.m. Given Mayor Cownie’s March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and the Section One of the Governor’s May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor’s May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend electronically; and

**WHEREAS**, due notice of said proposal was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed amendment, 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the above described proposed amendment of the Lease Agreement with Drake University for use of the building at 1220 24<sup>th</sup> Street are hereby overruled and the hearing is closed.

**★ Roll Call Number**

**Agenda Item Number**

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**Date** June 22, 2020

2. That the Lease Agreement with Drake University for use of the building at 1220 24<sup>th</sup> Street is amended as follows:

Term. The term of the Lease shall continue until March 1, 2021, without any possibility of renewals or extension thereof. (the "Termination Date").

3. The Mayor is authorized and directed to sign the Amendment to Lease Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the Lease Agreement as amended, and is further authorized and directed to approve and execute any non-substantive amendments to the Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.

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

APPROVED AS TO FORM:

/s/  
Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, P. KAY CMELIK, 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

**AMENDMENT TO LEASE AGREEMENT**

This AMENDMENT TO LEASE AGREEMENT (this "Agreement") dated June \_\_\_\_, 2020, is made by Drake University (the "Landlord"), and by City of Des Moines (the "Tenant").

WHEREAS, the parties entered in to a Lease Agreement dated January 28, 2008 (the "Lease"), which original and renewal terms subsequently expired but which has continued on a year to year basis for certain leased premises described therein on property located at 1222 24<sup>th</sup> St, Des Moines, IA in Polk County (the "Premises").

WHEREAS, the parties have mutually agreed to amend certain terms of said Lease.

NOW, THEREFORE, in consideration of the premises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

Term. The term of the Lease shall continue until March 1, 2021, without any possibility of renewals or extension thereof. (the "Termination Date").

Except as modified herein, the Lease is unmodified and in full force and effect.

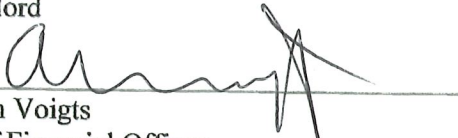
**Drake University**

Landlord

BY: \_\_\_\_\_

Adam Voigts

Chief Financial Officer



**City of Des Moines, Iowa**

BY: \_\_\_\_\_  
T. M. Franklin Cownie, Mayor

Attest: \_\_\_\_\_  
P. Kay Cmelik, City Clerk

**APPROVED AS TO FORM:**

BY:   
Lisa A. Wieland, Assistant City Attorney

STATE OF IOWA    )  
                                  ) ss.  
COUNTY OF POLK )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared T. M. Franklin Cownie, and P. Kay Cmelik, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Des Moines, Iowa; that the instrument was signed on behalf of the corporation, by authority of its City Council, as contained in Roll Call No. \_\_\_\_\_ passed and approved by the City Council on \_\_\_\_\_, and that T. M. Franklin Cownie and Diane Rauh acknowledged the execution of the instrument to be the voluntary act and deed of said City by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa