



**Roll Call Number**

21-1819

**Agenda Item Number**

30

**Date** December 6, 2021

**SET HEARING FOR APPROVAL OF A LEASE AGREEMENT WITH POWER BOAT CLUB ON THE RIVER, INCORPORATED FOR A PORTION OF EXCESS CITY PROPERTY LOCATED ON THE NORTH BANK OF THE DES MOINES RIVER LOCALLY KNOWN AS DISTRICT/PARCEL 070/02223-003-000**

**WHEREAS**, the Des Moines Power Boat Club, Inc. 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**, 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, Inc. for use of land at Birdland Park along the north bank of the Des Moines River, more specifically described below (hereinafter "Leased Premises"); and

**WHEREAS**, on May 22, 2006, by Roll Call No. 06-1034, the City Council of the City of Des Moines, Iowa voted to approve the vacation of the Leased Premises and a five year lease agreement with Des Moines Power Boat Club, Inc.; and

**WHEREAS**, on June 19, 2006, by Roll Call No. 06-1229, the City Council of the City of Des Moines, Iowa voted to approve the third reading and pass Ordinance No. 14,570 vacating said Leased Premises; and

**WHEREAS**, the Des Moines Power Boat Club, Inc. and the City of Des Moines entered into subsequent lease agreements for use of the Leased Premises in 2012, 2015, 2018 and 2019 with the current lease set to expire on December 31, 2021; and

**WHEREAS**, the City of Des Moines and Power Boat Club on the River, Incorporated (name changed in 2018) have negotiated the terms of a new Lease Agreement ("Agreement") which will include, among other terms, the following:

- A fixed ten (10) year lease term (Initial Term) with the right to renew the Lease Agreement for two additional five (5) year terms;
- The City of Des Moines retains the right to terminate the Agreement with a 30-day notice if such termination becomes necessary due to what the CITY deems to be the best interest of the Public.
- Rental fee for the Initial Term shall be paid according to the following schedule:
  - Year one = \$3,700.00
  - Year two = \$3,750.00
  - Year three = \$3,800.00
  - Year four = \$3,850.00
  - Year five = \$3,900.00
  - Year six = \$4,000.00
  - Year seven = \$4,100.00



**Roll Call Number**

21-1819

**Agenda Item Number**

30

**Date** December 6, 2021

- Year eight = \$4,200.00
- Year nine = \$4,300.00
- Year ten = \$4,400.00
- Rental fee to be revalued at the end of the Initial Term and following the receipt of notice of intent to renew from Power Boat Club on the River, Incorporated; which amounts reflect the fair market value of the Leased Premises as currently estimated by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the Property proposed to be leased, and the City will not be inconvenienced by the lease of said Property.

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

1. The City Council of the City of Des Moines, Iowa, proposes to lease the vacated parkland located along the north bank of the Des Moines River, as legally described, to Power Boat Club on the River, Incorporated, for Forty Thousand Dollars (\$40,000.00) for the initial ten-year term of the agreement, subject to a reservation of easements therein, and further subject to all terms and conditions contained in the Lease Agreement:

Part of the Northeast ¼ of Section 34, Township 79 North, Range 24 West of the 5<sup>th</sup> 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.

2. A public hearing shall be held on December 20, 2021, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 16, 2021 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).



**Roll Call Number**

21-1819

**Agenda Item Number**

30

**Date** December 6, 2021

Please check the posted agenda in advance of the December 20, 2021 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. Proceeds from the lease of this property are used to support the Park and Recreation operating budget expenses: Org-PK001200.

Moved by *Gatto* to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

*J. M. Franklin Cowie* 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.

*P. Kay Cmelik*

City Clerk