



Date December 20, 2021

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION TO AUTHORIZE A LEASE WITH EMPLOYERS MUTUAL CASUALTY COMPANY FOR THE LEASE OF REAL ESTATE AND PARK IMPROVEMENTS AT 701 WALNUT STREET FOR USE BY THE PARKS AND RECREATION DEPARTMENT AS A PUBLIC PARK

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa (“City”), should enter in to a ten year, with 2 five-year renewals, Lease Agreement for the lease of real estate and certain park improvements located at 701 Walnut Street, for use by the Parks and Recreation Department as a public park, as authorized by Sections 364.4(4) and 384.25 of the Iowa Code, as amended; and

WHEREAS, the terms of the Lease Agreement have been negotiated by and between the City and EMPLOYERS MUTUAL CASUALTY COMPNAY, pursuant to which the City would lease said real estate, and are set forth as follows:

1. Possession of the premises will be given to the City upon completion of the park improvements by Employers Mutual Casualty Company, expected to be on or about September 15, 2022.
2. The initial lease term shall be ten (10) years.
3. The Leased Premises is described as: That part of Lots 5 and 6 in Block 1, FORT DES MOINES, and Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as Parcel 2016-117 on the Plat of Survey filed May 17, 2016 in Book 16005, Page 315 in the Polk County Recorder’s Office.
4. The City shall pay an estimated total of \$390,650 for the initial ten year term of the Lease Agreement, as follows:
 - a) \$13,900 annually for the first five (5) years of the Lease Agreement,
 - b) \$14,230 annually for years 6-10 of the Lease Agreement; and
 - c) \$250,000 total for maintenance and repairs for the initial 10 year period of the lease term and \$250,000 for 2 five-year renewals, if any.
5. Employers Mutual Casualty Company shall have the right to extend the Lease Agreement for two five-year terms at a lease rate that is subject to approval of the City Council at the time of such renewals.

WHEREAS, the Lease Agreement shall be payable solely out of the City’s General Fund; and

WHEREAS, prior to authorizing said Lease Agreement, the City is required, pursuant to Sections 364.4 and 384.25 of the Iowa Code, to publish notice of the proposal and of the date and time of the meeting at which the City Council of the City of Des Moines, Iowa, proposes to discuss and then take action thereon, and to receive oral and written objections thereto from any resident or property owner of the City.



Roll Call Number

31-1914

Agenda Item Number

31

Date December 20, 2021

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

Section 1. That the meeting of the City Council for the purpose of discussing the matter of the authorization of a Lease Agreement between the City of Des Moines, Iowa, and Employers Mutual Casualty Company for the lease of real estate and certain park improvements located at 701 Walnut Street, for use by the Parks and Recreation Department as a public park, said lease to be for an initial period of 10 years, and said lease calls for total payments in the estimated amount of \$390,650, including the City’s cost for maintenance and repairs expenses, for the initial ten year term and \$250,000 for maintenance and repair costs for 2 five-year renewals, if any, at a lease rate that is subject to approval of the City Council at the time of such renewals, shall be on January 10, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

A copy of said lease is on file in the office of City Clerk and is available for public inspection by contacting the City Clerk, and 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 3:00 p.m. January 10, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the discussion of the proposed authorization of said Lease Agreement.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA
ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LEASE WITH
EMPLOYERS MUTUAL CASUALTY COMPANY FOR THE LEASE OF REAL ESTATE
AND CERTAIN PARK IMPROVEMENTS LOCATED AT 701 WALNUT STREET, AND OF
PUBLIC HEARING ON THE AUTHORIZATION AND EXECUTION THEREOF

PUBLIC NOTICE is hereby given that that the meeting of the City Council for the purpose of discussing the matter of the authorization of a Lease Agreement between the City of Des Moines, Iowa, and Employers Mutual Casualty Company for the lease of real estate and certain park improvements located at 701 Walnut Street, for use by the Parks and Recreation Department as a public park, said lease to be for an initial period of 10 years, and said lease calls for total payments in the estimated amount of \$390,650, including the City’s cost for maintenance and repairs



Roll Call Number

Agenda Item Number

21.1914

31

Date December 20, 2021

expenses, for the initial ten year term and \$250,000 for maintenance and repair costs for 2 five-year renewals, if any, at a lease rate that is subject to approval of the City Council at the time of such renewals, shall be on January 10, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

A copy of said lease is on file in the office of City Clerk and is available for public inspection by contacting the City Clerk, and 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 3:00 p.m. January 10, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

The lease payments for this property shall be payable from the City's General Fund of the City of Des Moines.

At the above meeting, the City Council of the City of Des Moines, Iowa, shall receive oral or written objections from any resident or property owner of the city to the above action. After all objections have been received and considered, the Council will at this meeting, or at any adjournment thereof, take additional action for the authorization of said Lease Agreement or will abandon the proposal.

This Notice is given by order of the Council of Des Moines, Iowa, as provided by Sections 364.4 384.25 of the Code of Iowa, as amended.

Moved by Boesen to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>J. M. Frankha Cownie</u> 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