



Roll Call Number

22-0697

Agenda Item Number

34

Date May 9, 2022

SETTING DATE OF HEARING FOR FOURTH AMENDMENT TO LEASE OF THE DES MOINES BOTANICAL CENTER TO THE GREATER DES MOINES BOTANICAL GARDEN

WHEREAS, the City of Des Moines owns the City of Des Moines Botanical Center, including adjacent greenhouses, located at 909 Robert D. Ray Drive, Des Moines, Iowa 50316-2897 (“Botanical Center”), and approximately 13.498 acres of grounds adjacent to the Botanical Center and between the Botanical Center and the Des Moines River, including the park drive known as Robert D. Ray Drive from north of the Interstate 235 bridge to East 6th Street and including and the parkland containing the Robert D. Ray Asian Garden (collectively “Leased Premises”), with legal description of the Leased Premises on file in the office of the City Clerk and incorporated by reference herein; and

WHEREAS, on May 9, 2011, by Roll Call No. 11-0822, the City Council approved the Lease and Operation, Management and Maintenance Agreement pursuant to which the City leased the Botanical Center and related grounds to the Greater Des Moines Botanical Garden corporation (“Corporation”) and the Corporation agreed to be responsible to construct, at its cost, \$7,500,000 in improvements, including expanded gardens on the grounds of the Botanical Center, by June 1, 2015, and to create and fund an endowment of \$2,000,000 for operational expenses at the Botanical Center and grounds, and to fund \$500,000 for construction-related costs and operating costs during and immediately after construction as consideration for rent, for an initial period of 25 years, with two 25 year renewal options at the option of the Corporation (“the Lease Agreement”); and

WHEREAS, the Lease Agreement has been amended three times thereafter; and

WHEREAS, the City and Corporation wish to reinstate and affirm the original intent and terms of the Lease Agreement regarding the City’s provision of operational support funding for the operation of the Botanical Center and Grounds; and

WHEREAS, City staff and the Corporation are negotiating a Fourth Amendment to the Lease Agreement, in substantially the form on file in the City Clerk’s office, requiring the City to support BRAVO funding for the operation of the Botanical Center and Grounds in the annual amount of \$245,000.00 for a 10-year period, with first payment made during the year of the Lease Commencement Date (2013).

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

1. The City Council of the City of Des Moines shall consider adoption of the Fourth Amendment to Botanical Center Lease, Operation, Management and Maintenance Agreement by and between the City of Des Moines, Iowa and the Greater Des Moines Botanical Garden corporation (GDMBG), in substantially the form on file in the office of the City Clerk.
2. The meeting of the City Council at which the adoption of said proposed Fourth Amendment to the Lease Agreement is to be considered by public hearing shall be held on May 23, 2022, at 5:00 pm in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal.



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- 3. The City Clerk is authorized and directed to publish notice of said proposal and hearing in the accompanying form to be given by publication once, not less than four days and not more than twenty days before the date of hearing.

Moved by Boesen to adopt.

Second by Gatto

APPROVED AS TO FORM:

/s/ Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

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.

MOTION CARRIED APPROVED

John Fubella
 MAYOR PRO TEM

P. Kay Cmelik
 City Clerk