



Roll Call Number

22-1420

Agenda Item Number

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Date September 12, 2022

SETTING DATE OF HEARING ON FIFTH AMENDMENT TO LEASE AGREEMENT WITH DBH IOWA, LLC FOR LEASE OF PRINCIPAL PARK

WHEREAS, the City of Des Moines and Greater Des Moines Baseball Co. (GDMBC) entered into a Lease Agreement as of August 26, 1991, an Addendum to Lease Agreement as of September 13, 1999, an Amendment dated August 23, 2004, a Second Amendment dated October 9, 2006, a Third Amendment dated April 7, 2008, and a Fourth Amendment dated March 6, 2017, under which GDMBC was granted a lease of the premises described in the Lease, and commonly referred to as Principal Park, f/k/a Sec Taylor Stadium, the team clubhouse building and surrounding parking lots and grounds (collectively as amended, the "Lease Agreement"); and

WHEREAS, on December 20, 2021, by Roll Call No. 21-1935, the City Council consented to the assignment of said Lease Agreement from GDMBC to DBH Iowa, LLC ("Lessee"); and

WHEREAS, the Lease Agreement has a term ending on December 31, 2027, with two additional 5-year options to renew, and Lessee wishes to further extend the lease term and renewal options; and

WHEREAS, the City Parks and Recreation Department and Facilities Division wish to undertake the Principal Park Phase 1 Improvements project ("Project"), which Project entails moving Principal Park toward required compliance with Major League Baseball's new Minor League Baseball facility standards addressing other deficiencies and aging components of the facility including improvements to the current clubhouse building such as building envelope integrity, new interior functional requirements, new player support programming requirements, new staffing facility requirements, replacement of aging mechanical, electrical and plumbing systems, and improved flood resiliency, in an estimated amount of \$7,045,000.00 including estimated soft costs and contingencies, and may include alternate projects to demolish the existing outfield wall and construct new outfield wall estimated at \$275,000.00 ("Alternate 1"), and to demolish the existing fences and gates and replace the area with a secured parking area estimated at \$460,000.00 ("Alternate 2"); and

WHEREAS, said Project would include funding in an amount not-to-exceed \$1,000,000.00 to be contributed by Lessee to the City in four installment payments over an 18-month period, and used to fund the cost of overage between the Project estimate and actual base bid amount, with remaining funds, if any, to cover the total bid amount of Alternate 1, and with further remaining funds, if any, to cover the total bid amount of Alternate 2, prior to award of construction contract by the City, and with further remaining funds, if any, to cover additional construction costs incurred by the City prior to final acceptance by the City Council of the Project improvements; and

WHEREAS, the City Manager and Parks and Recreation Department Director and Lessee have negotiated a Fifth Amendment to the Lease Agreement, in form on file in the office of the City Clerk, to extend the term of the Lease Agreement from December 31, 2027 to December 31, 2032, with the option for two five-year renewal terms, and to address the Project and funding thereof as described herein and in said Amendment.

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 proposes to amend the Lease Agreement between the City of Des Moines, Iowa, and DBH Iowa, LLC for lease of Principal Park, at One Line Drive and adjacent property, legally described below, to extend the term of the Lease Agreement until December 31, 3032 with two 5-year renewal options and to address the Project and funding thereof:



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TRACT 1

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 37 OF FORT DES MOINES PLAT, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°(DEGREES)22'(MINUTES)33"(SECONDS) EAST, 510.51 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET TO THE POINT OF BEGINNING; THENCE NORTH 72°00'04" EAST, 38.38 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTH 17°59'56" WEST, 45.07 FEET ALONG SAID RIGHT OF WAY LINE; THENCE NORTH 35°29'28" EAST, 29.94 FEET ALONG SAID RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF WEST ML KING JR. PKWY; THENCE NORTH 88°58'53" EAST, 415.31 FEET ALONG SAID RIGHT OF WAY LINE TO THE WEST FACE OF THE DES MOINES RIVER WALL; THENCE 349.27 FEET, ALONG A 1019.43 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS SOUTH 37°24'07" EAST, 347.56 FEET ALONG SAID WEST FACE; THENCE SOUTH 48°37'19" EAST, 283.28 FEET ALONG SAID WEST FACE; THENCE 291.03 FEET, ALONG A 6953.47 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS SOUTH 50°24'15" EAST, 291.03 FEET ALONG SAID WEST FACE; THENCE SOUTH 52°34'18" EAST, 162.67 FEET ALONG SAID WEST FACE; THENCE SOUTH 07°58'07" EAST, 28.59 FEET ALONG SAID WEST FACE; THENCE SOUTH 06°46'05" WEST, 28.87 FEET ALONG SAID WEST FACE; THENCE SOUTH 42°10'26" WEST, 20.13 FEET ALONG SAID WEST FACE TO THE NORTH TOP OF BANK OF THE RACCOON RIVER; THENCE SOUTH 71°50'37" WEST, 96.71 FEET ALONG SAID NORTH TOP OF BANK; THENCE NORTH 77°59'32" WEST, 27.56 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 53°24'39" WEST, 16.48 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 87°21'39" WEST, 97.91 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 85°53'36" WEST, 172.52 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 75°28'20" WEST, 210.76 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 61°22'37" WEST, 13.61 FEET ALONG A SIDEWALK AT SAID NORTH TOP OF BANK; THENCE SOUTH 72°42'27" WEST, 179.07 FEET ALONG SAID SIDEWALK; THENCE SOUTH 66°55'56" WEST, 55.99 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 58°42'29" WEST, 152.55 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 61°27'28" WEST, 97.34 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 67°10'11" WEST, 145.00 FEET ALONG SAID NORTH TOP OF BANK; THENCE SOUTH 50°18'59" WEST, 27.09 FEET ALONG SAID NORTH TOP OF BANK TO THE EASTERLY SIDE OF SOUTHWEST 2ND STREET; THENCE 352.88 FEET ALONG A 300.00 FOOT RADIUS CURVE CONCAVE EASTERLY, WHOSE CHORD BEARS NORTH 11°59'17" WEST, 332.89 FEET ALONG SAID EASTERLY SIDE; THENCE NORTH 21°42'34" EAST, 386.58 FEET ALONG SAID EASTERLY SIDE; THENCE 113.27 FEET, ALONG A 175.00 FOOT RADIUS CURVE CONCAVE WESTERLY, WHOSE CHORD BEARS NORTH 03°10'00" EAST, 111.30 FEET ALONG SAID EASTERLY SIDE; THENCE NORTH 15°22'33" WEST, 4.94 FEET ALONG SAID EASTERLY SIDE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET; THENCE NORTH 15°22'33" WEST, 329.16 FEET ON SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 19.40 ACRES MORE OR LESS.

TRACT 2

COMMENCING AT THE NORTHEAST CORNER OF LOT 9, FACTORY ADDITION REPLAT NO. 3, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 88°46'08" EAST, 68.81 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET; THENCE SOUTH 15°11'15" EAST, 67.06 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE 32.38 FEET, ALONG A 120.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, WHOSE CHORD BEARS NORTH 83°30'07" EAST, 32.28 FEET;



Roll Call Number

82-1420

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40

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THENCE SOUTH 88°46'08" EAST, 167.98 FEET; THENCE 19.86 FEET, ALONG A 80.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, WHOSE CHORD BEARS SOUTH 81°39'21" EAST, 19.81 FEET TO THE WESTERLY SIDE OF SOUTHWEST 2ND STREET; THENCE SOUTH 21°42'34" WEST, 351.79 FEET ALONG SAID WESTERLY SIDE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET; THENCE NORTH 15°11'15" WEST, 341.60 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING CONTAINING 0.84 ACRES MORE OR LESS.

TRACT 3

COMMENCING AT THE NORTHEAST CORNER OF LOT 5, FACTORY ADDITION REPLAT NO. 3, AN OFFICIAL PLAT, NOW IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 15°11'15" EAST, 77.88 FEET ALONG THE WEST RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°11'15" EAST, 444.92 FEET ALONG SAID RIGHT OF WAY TO THE NORTH FACE OF THE RACCOON RIVER WALL; THENCE 466.92 FEET ALONG A 1982.89 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, WHOSE CHORD BEARS SOUTH 45°24'24" WEST, 465.84 FEET ON SAID NORTH FACE; THENCE SOUTH 36°37'12" WEST, 123.14 FEET ON SAID NORTH FACE TO THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 5TH STREET; THENCE 110.50 FEET ALONG A 167.10 FOOT RADIUS CURVE CONCAVE NORTHERLY, WHOSE CHORD BEARS NORTH 72°32'46" WEST, 108.50 FEET ALONG SAID RIGHT OF WAY TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE 257.87 FEET, ALONG A 2863.93 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, WHOSE CHORD BEARS NORTH 27°20'01" EAST, 257.78 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5; THENCE NORTH 24°45'15" EAST, 653.80 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING CONTAINING 3.41 ACRES MORE OR LESS.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- 2. The meeting of the City Council at which the proposed Fifth Amendment to the Lease Agreement is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 3, 2022.
3. The City Clerk is hereby authorized and directed to publish notice of the proposal and hearing in the form hereto attached not less than four or more than twenty days from the date of the hearing.

(Council Communication No. 22-398)

APPROVED AS TO FORM:

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

Moved by Gatto to adopt.

Second by Boesen.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE

I, LAURA BAUMGARTNER, 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
J. M. Frankin Cownie Mayor

Laura Baumgartner City Clerk