

COUNCIL ACTION FORM

SUBJECT: PARKING LOT P (308 5TH STREET) – REDUCTION IN LEASED PARKING SPACES

BACKGROUND:

On July 1, 2012, Youth and Shelter Services (YSS) entered into an agreement with the City of Ames to lease sixteen (16) parking spaces in the Municipal Parking Lot #P located at 308 5th Street at the rate of \$20 per month per parking space.

As part of the conversion of the downtown electrical system from 4 kV to 13.8 kV, Electric Services needs to place new transformers at select locations in the downtown area. One of these locations is near YSS. Beginning on April 1, 2015, Ames Electric Services intends to permanently occupy one parking space in the southeast corner of City Parking Lot #P by placing a utility transformer in the space. This will result in the reduction in the number of leased spaces in the parking lot by one (1).

Youth and Shelter Services was notified January 27, 2014 that the parking space would need to be vacated at an unspecified date in the future.

ALTERNATIVES:

1. Amend the agreement with YSS to reduce the number of leased parking spaces in Municipal Parking Lot #P by one (1) space. The remainder of the agreement terms will remain in place.
2. Reject the proposal to amend the agreement and direct the utility to find another location to place the utility transformer.

MANAGER'S RECOMMENDED ACTION:

Placement of the utility transformer on City-owned property allows the utility to maintain the electric system in the downtown area without having to impede on private property.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as stated above.

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; (515-239-5146)
Return recorded document to: City Clerk, City of Ames, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

**FIRST AMENDMENT TO LAND LEASE
PARKING LOT P**

THIS FIRST AMENDMENT TO THE LAND LEASE AGREEMENT is made and entered into effective the ____ day of _____, 2015, by and between the City of Ames, Iowa, a municipal corporation, hereinafter referred to as Lessor, and Youth and Shelter Services, hereinafter referred to as Lessee.

This First Amendment hereby amends the Land Lease recorded August 16, 2012, as Instrument No. 2012-09317 (hereinafter "Land Lease") by reducing the number of parking spaces to be rented by Lessee.

WHEREAS, the City has reduced the size of the rented parking Lot #P by one space for the purpose of placing an electric transformer in the southeast corner.

THEREFORE, in consideration of the rents and agreements contained in the Land Lease agreement, Lessor does hereby lease to Lessee, and Lessee does hereby lease from Lessor, the following described real estate situated in Ames, Story County, Iowa, to-wit:

City Lot #P, except one (1) parking space in the southeast corner of the lot, at 308 5th Street, Ames, IA, 50010, as shown on the attached Exhibit "A."

WHEREAS, all other terms of the Land Lease shall remain in full force and effect until the expiration or termination of the Land Lease.

IN WITNESS WHEREOF, the parties have hereunto set their hands and signatures the day and year first above written.

CITY OF AMES, IOWA

By: _____
Ann H. Campbell, Mayor

Attest: _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On this _____ day of _____, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell, Mayor, and Diane R. Voss, City Clerk, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for the State of Iowa

YOUTH AND SHELTER SERVICES, INC.

By: _____
Rosa Unal, Chair

By: _____
Michael Phillips, Secretary/Treasurer

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on this _____ day of _____, 2015, by Rosa Unal and Michael Phillips, as Chair and Secretary/Treasurer, respectively, of said corporation.

Notary Public in and for the State of Iowa