


## COUNCIL COMMUNICATION

	Number:	<b>20-481</b>	Meeting:	<b>November 9, 2020</b>
	Agenda Item:	<b>37</b>	Roll Call:	<b>20-1781</b>
	Submitted by:	<b>Chris Johansen, Neighborhood Services Department Director</b>		

### AGENDA HEADING:

Approve Second Amendment of Agreement between the City of Des Moines and Astilbe Morning, LLC for acquisition and rehabilitation of property located at 1124 13th Street and 1311 Laurel Street to extend agreement until December 31, 2021.

### SYNOPSIS:

The City of Des Moines and Astilbe Morning, LLC (“Developer”) have a development agreement that requires the Developer to rehabilitate the two (2) properties at 1124 13th Street and 1311 Laurel Street. The Developer is requesting a second amendment to the Development Agreement, which will extend the agreement to December 31, 2021.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- On January 14, 2019, by Roll Call No 19-0076, the City Council approved the sale and conveyance of property located at 1124 13th Street and 1311 Laurel Street to Indigo Dawn, LLC subject to terms and conditions included in the acquisition agreement and Offer to Purchase between the City and Indigo Dawn, LLC.
- On March 20, 2019, the property was transferred from Indigo Dawn, LLC to Astilbe Morning, LLC, (“Developer”), of 610 Forest Avenue, Des Moines, Iowa. This was done to establish joint ownership with Dean Anderson. Chaden Halfhill is the Managing Member of both Indigo Dawn, LLC and Astilbe Morning, LLC.
- On December 5, 2019, an Amendment and Assignment of Development Agreement was administratively completed to transfer and assign unto the Developer all rights, title and interest in and to the development agreement with the City of Des Moines.
- On December 16, 2019, the City Council approved the First Amendment to Acquisition Agreement between the City of Des Moines and the Developer to allow extension of the Agreement until December 30, 2020.

- The Developer has kept up with regular maintenance related to snow removal and landscaping. The properties have been cleaned out of junk and debris and secured against elements. The Developer has since explored design options to address the rehab. The Developer has regularly communicated with City Staff and provided updates in the rehab process.
- Astilbe Morning, LLC has requested a second amendment of the Development Agreement extending the agreement to December 31, 2021 to allow completion of the project. The Developer has cited extenuating factors related to COVID-19 and its impact on the ability to secure financing as well as the inability of available construction professionals to work on these projects due to COVID-19 limitations.

**PREVIOUS COUNCIL ACTION(S):**

Date: December 16, 2019

Roll Call Number: [19-2027](#)

Action: [Amendment](#) of Agreement with Astilbe Morning, LLC for property located at 1124 13th Street and 1311 Laurel Street to extend contract until December 30, 2020. ([Council Communication No. 19-532](#)) Moved by Gatto to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Board of Health

Date: December 19, 2011

Resolution Number: [11-2158](#)

Action: Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the property located at 1124 13th Street, Des Moines, Iowa. Main structure, Titleholder Samuel Tiger (deceased). Moved by Mahaffey to adopt. Motion Carried 7-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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