



Roll Call Number

Agenda Item Number

53B

Date April 6, 2009

Communication from William Lillis and Joel Templeman, representatives of Baker Real Estate L.P., Andrew Holt and Timothy Berardi, regarding the proposed Third Amendment to the Planned Unit Development.

Moved by _____ to receive, file and refer to the City Manager, to review the potential of creating a TIF District and to submit and application for RISE funds.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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

Mayor

City Clerk

53B

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BERNARD J. CONNOLLY (1920-1970)
C. I. McNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

ESTABLISHED IN 1917

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Email: wllillis@connollylawfirm.com

April 1, 2009

Ms. Diane Rauh
City Clerk
City of Des Moines
City Hall
East First and Robert D. Ray Drive
Des Moines, Iowa 50309

HAND DELIVERED – ATTENTION LAURA

Subject: Third Amendment to Planned Unit Development (PUD) –
Baker PUD

Dear Diane and Laura:

Enclosed please find the copy of the letter to be attached to the public hearing item for the Baker PUD for the City Council meeting of Monday, April 6, 2009.

We will deliver a copy of the letter and attachments to Rita Connor at the Economic Development office with the City Manager and to the Community Development office.

Please see that this item is set forth in the Agenda for Monday, April 6, 2009.

If questions, kindly advise.

Very truly yours,



William J. Lillis
For the Firm

WJL/krp

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

ATTORNEYS AT LAW

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April 1, 2009

Mayor Franklin Cownie
and Members of the City Council
City of Des Moines
City Hall
East First and Robert D. Ray Drive
Des Moines, Iowa 50309

Subject: Third Amendment to Planned Unit Development (PUD) –
Baker PUD

Honorable Mayor and Members of the City Council:

Our law firm represents Baker Real Estate, L.P. ("Baker"); Andrew Holt; and Timothy Berardi ("Holt/Berardi") in reference to the proposed Third Amendment to the Planned Unit Development (PUD) commonly referred to as "Baker PUD."

On the City Council Agenda for Monday, April 6, 2009, is a public hearing regarding the Third Amendment to the Baker PUD. We would ask that this letter be received, filed, and made a part of said public hearing item, as a subparagraph.

Attached to this letter, marked as Exhibit "A," is a proposed Tax Increment Financing District, and its boundary, which includes the property in the Baker PUD, as well as other property in and/or near the Baker PUD.

We would ask on behalf of Baker and Holt/Berardi that the City Council, at its meeting of Monday, April 6, 2009, receive, file and refer to the Economic Development Division of the City Manager's office this letter (along with the attached Exhibit "A") to initiate the necessary legal proceedings to create a Tax Increment Financing (T.I.F.) District pursuant to the boundaries as set forth in said Exhibit "A."

The undersigned will be present at the City Council meeting of Monday, April 6, 2009, for the purpose of addressing matters for the public hearing as well as answer questions, if any, as to the proposed Tax Increment Financing (T.I.F.) District.

Our 92nd Year of Service

CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

April 1, 2009

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In the proposed Baker PUD, there is a public road proposed which is critical to the development of the proposed building (approximately 100,000 to 120,000 square feet) for the Holt/Berardi project.

Holt/Berardi and Baker have discussed with the Economic Development office of the City Manager's office the possibility of the City making an application for RISE funds for some of the costs of the proposed public road to be built in the Baker PUD. We would request on behalf of our clients that the City Council, at its meeting of Monday, April 6, 2009 (in addition to the creation of the proposed Tax Increment Financing (T.I.F.) District) also adopt a resolution to propose to make necessary application for RISE funding by the Iowa Department of Transportation.

We will be present at the City Council meeting of Monday, April 6, 2009, to answer questions regarding the above.

Very truly yours,



William J. Lillis



Joel B. Templeman
For the Firm

WJL/krp