

Date June 23, 2007

RESOLUTION APPROVING AN URBAN RENEWAL DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR REDEVELOPMENT OF THE FORMER STIVERS DEALERSHIP SITE AT 1717 INGERSOLL AVENUE

WHEREAS, on June 9, 2008, by Roll Call No. 08-1002, the City Council of the City of Des Moines gave preliminary approval of the preliminary terms of an urban renewal development agreement with 1717 Ingersoll, L.L.C., represented by Michael Simonsen, officer, for redevelopment of the former Stivers Dealership site at 1717 Ingersoll Avenue (hereinafter the "Property") for a mix of commercial office and restaurant uses; and,

WHEREAS, 1717 Ingersoll, L.L.C., PW Waterbury, L.C., and OPOMODO, L.L.C., (collectively the "Developer"), have now acquired the former Stivers Dealership site; and,

WHEREAS, the City Manager has negotiated an Urban Renewal Development Agreement ("the Agreement") with Developer which provides that Developer shall redevelop the Property for commercial and retail uses by rehabilitating and adapting a minimum of 23,575 feet of gross floor area for professional and restaurant use with an assessed valuation for taxation of not less than \$2,600,000, and streetscape improvements upon the adjoining rights-of-way (herein collectively called the "Project"); and

WHEREAS, the Agreement provides that the City shall advance an economic development grant in ten (10) annual installments of \$55,000 to be paid from the incremental taxes to be generated by the Project commencing on December 15, 2010 ; and

WHEREAS, the Property is located in the Metro Center Urban Renewal Project Area ("Project Area") and is being developed as a public and private sector initiative to stimulate investment in the surrounding properties in the Project Area; and

WHEREAS, the economic development assistance for the development of the Project shall be provided by the City to Developer pursuant to the Urban Renewal Law and Chapter 15A of the Code of Iowa, and Developer's obligations to construct the Project under the Agreement will generate the following gains and benefits: (i) it will contribute to the improvement and redevelopment of the Ingersoll Avenue corridor in accordance with the Urban Renewal Plan; (ii) it will encourage further private investment and will attract and retain other businesses in the western downtown area to reverse the pattern of disinvestment and declining employment in the area; and, (iii) it will lead to the creation and retention of job opportunities within the western downtown area and in the Project Area which might otherwise be lost; and,

(continued)

Date June 23, 2008

-2-

WHEREAS, the construction of the Project is a speculative venture and the construction and resulting redevelopment opportunities would not occur without the economic incentives provided by the Agreement; and,

WHEREAS, City believes that the redevelopment of the Property pursuant to the Agreement, and the fulfillment generally of the Agreement, are in the vital and best interests of the City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of the applicable state and local laws and requirements under which the project has been undertaken, and warrant the provision of the economic assistance set forth in the Agreement; and

WHEREAS, on June 17, 2008, the Urban Design Review Board, voted to recommend approval of the proposed Conceptual Development Plan and terms of financial assistance for the project; and

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

1. The Urban Renewal Development Agreement between the City and Developer, which is on file in the Office of the City Clerk, is hereby approved and the Mayor is hereby authorized and directed to sign the Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
2. The proposed Conceptual Development Plan for the redevelopment of the Property at 1717 Ingersoll Avenue is hereby approved.
3. Upon receipt of the signed Minimum Assessment Agreement from Developer pursuant to Section 404 of the Agreement and approval of the same by the City Legal Department, the Mayor is hereby authorized and directed to sign the Minimum Assessment Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
4. The City Manager or his designees are hereby authorized and directed to administer the Development Agreement on behalf of the City, including the filing of the Minimum Assessment Agreement in the Office of the Polk County Recorder.

(continued)

Date June 23, 2008

5. Upon satisfaction of the conditions for advancement of the economic development grant pursuant to Article 6 of the Agreement and confirmation of same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance the annual installments on such grant to the Developer in accordance with the terms of the Agreement.

(Council Communication No. 08- 382)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

C:\rog\eco Dev\1717 Ingersoll\RC Approve 08-06-23.doc

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

JUN 23 2008

Date _____

Agenda Item 17

Roll Call # _____

