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Date May 18, 2015.....

RESOLUTION APPROVING PARCEL DEVELOPMENT AGREEMENT WITH  
EDGE AT GRAY'S LANDING LLC AND REDEVELOPMENT PLAN FOR  
CONSTRUCTION OF A 90 UNIT APARTMENT BUILDING IN THE  
RIVERPOINT WEST REDEVELOPMENT AREA

WHEREAS, the City of Des Moines and River Point West LLC (the "Master Developer") are parties to the *Amended and Restated Urban Renewal Development Agreement* (the "Master Agreement") dated October 8, 2007, and approved by the Des Moines City Council on that date by Roll Call No. 07-1991 regarding the acquisition, clearance, installation of public infrastructure, and the preparation and sale of 'pad-ready' sites within an area designated as the Phase 1 Commercial Redevelopment Area and bounded on the north by Martin Luther King, Jr. Parkway, on the east by SW 9th Street, and on the west by the Mid-American Energy electrical substation, and on the south by Tuttle Street and the western extension of Tuttle Street west of SW 11th Street, and by Murphy Street east of SW 11th Street; and,

WHEREAS, the Master Agreement requires that any buyer of a parcel of land from the Master Developer enter into a Parcel Development Agreement with the City whereby the buyer agrees to promptly redevelop the parcel in conformance with a Redevelopment Plan approved by the City and having a minimum assessed value consistent with the approved Conceptual Development Plan under the Master Agreement; and,

WHEREAS, on the City Manager has negotiated a Parcel Development Agreement with Edge at Gray's Landing LLC (the "Parcel Developer") for the construction of a 90 unit apartment building at the southwest corner of SW 9th and Tuttle Streets with 97 off-street parking spaces, landscaping and streetscape enhancements all as more specifically shown by the proposed Redevelopment Plan and having a minimum assessed value of \$5.4 million; and,

WHEREAS, the Urban Design Review Board has reviewed the design of the proposed apartment building and on April 21, 2015, voted 7-0 in favor of a motion to recommend approval of the final design.

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

1. The proposed Parcel Development Agreement with Edge at Gray's Landing LLC, and the proposed Redevelopment Plan for the construction of an apartment building upon the "Edge Apartment Parcel" described below are hereby approved.

The **Edge Apartment Parcel** is located at the southwest corner of SW 9th Street and Tuttle Street, and is more specifically described as follows:

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LOT B AND 7 AND A PART OF LOTS G, H, 6, 8 AND 9 OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER LOT 1, OF SAID FACTORY ADDITION PLAT 3; THENCE SOUTH 15°27'16" EAST LONG THE EAST LINE OF SAID FACTORY ADDITION PLAT 3 AND BEING ALONG THE WEST RIGHT-OF-WAY LINE OF SW 9TH STREET, 422.44 FEET TO THE NORTHEAST CORNER OF SAID LOT 7 AND TO THE POINT OF BEGINNING; THENCE SOUTH 15°27'16" EAST LONG SAID EAST LINE OF FACTORY ADDITION PLAT 3 AND ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 9TH STREET 367.21 FEET; THENCE SOUTH 74°33'40" WEST, 211.77 FEET; THENCE NORTH 15°38'17" WEST 181.52 FEET; THENCE NORTH 07°56'45" WEST, 212.65 FEET TO THE NORTH LINE OF SAID LOT 6 AND BEING THE SOUTH RIGHT-OF-WAY LINE OF TUTTLE STREET; THENCE NORTH 82°19'11" EAST ALONG SAID NORTH LINE OF LOT 6 AND ALONG THE NORTH LINE OF SAID LOT "B" AND LOT 7 AND ALL BEING ALONG SAID SOUTH RIGHT-OF-WAY LINE OF TUTTLE STREET, 186.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.79 ACRES.

2. The City Manager is hereby authorized and directed to administer the Parcel Development Agreement in accordance with its terms. The City Manager is hereby further authorized and directed to sign the Consent to Sale in a form approved by the City Legal Department for the conveyance of the Edge Apartment Parcel by the Master Developer to the Parcel Developer in conformance with the said Agreement, upon satisfaction of the conditions set forth in Section 4.1 of the Agreement. The City Manager is hereby further authorized and directed to sign the Consent to Construction Financing in a form approved by the City Legal Department, upon satisfaction of the conditions set forth in Section 4.2 of the Agreement.

3. Upon receipt of the Minimum Assessment Agreement in the form required by the Parcel Development Agreement and approval of the same by the City Legal Department, the Mayor and City Clerk are hereby authorized and directed to execute such Agreement on behalf of the City. The Legal Department shall then cause the Minimum Assessment Agreement to be forwarded to the Polk County Assessor for the Assessor's approval, execution and recording.

( Council Communication No. 15- 252 )

MOVED by \_\_\_\_\_ to adopt.

★ **Roll Call Number**

Agenda Item Number

36 B

-3-

Date May 18, 2015

FORM APPROVED:

*Roger K Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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