

Date December 5, 2016

RESOLUTION APPROVING FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE ROOSEVELT CULTURAL DISTRICT AND LETTER OF SUPPORT FOR THE IMPLEMENTATION OF THE 42ND STREET STREETScape PROJECT

WHEREAS, on August 25, 2014, by Roll Call No. 14-1329, the City Council approved a Memorandum of Understanding with the Roosevelt Cultural District (RCD) for the implementation of the 42nd Street Streetscape Project; and

WHEREAS, the RCD is the organization that functions as the business association for the 42nd Street corridor and represents the common interest of the businesses and property owners within the District; and

WHEREAS, said Memorandum of Understanding (MOU) identified the roles and responsibilities of each entity and established expectations for public and private fundraising so that the Project may be successfully implemented in accordance with the City's General Guidelines for City-Assisted Streetscape Projects, which MOU includes, among other terms, the requirement that the RCD will lead private fundraising efforts to secure \$700,000 for final design and construction of the Project, and the acknowledgement that any City funding, design and engineering contracts, construction contracts, and a self-supported municipal improvement district (SSMID) ordinance needed for the Project will be submitted to City Council for approval separately from the MOU; and

WHEREAS, the RCD has requested, and the City Manager and staff are in support of, an extension to the private fundraising deadline by which RCD must make final payment of \$505,900 for the construction phase of the Project, which extended deadline is in advance of the anticipated project bid letting; and

WHEREAS, RCD and City staff are negotiating the First Amendment to the MOU, in substantially the form on file in the office of the City Clerk, to provide for the extension of this fundraising deadline from November 1, 2016 to February 3, 2017 and to update other dates included in the anticipated project timeline.

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

1. The First Amendment to the Memorandum of Understanding (MOU) between the City of Des Moines and the Roosevelt Cultural District for the Implementation of the 42nd Street Streetscape Project, in substantially the form on file in the office of the City Clerk, is hereby approved subject to final negotiation by City staff and approval as to form by the City's Legal Department.
2. Following approval as to form by the Legal Department, the City Manager is hereby authorized and directed to execute the First Amendment to the MOU on behalf of the City of Des Moines, and the City Manager and his designee(s) are authorized and directed to administer the MOU as amended.

★ Roll Call Number

Agenda Item Number

31

Date December 5, 2016

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MOORE | | | | |
| WESTERGAARD | | | | |
| 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