



Date September 13, 2021

RESOLUTION CONSENTING TO SALE AND RELEASING TERMS, COVENANTS AND RESTRICTIONS OF DEVELOPMENT AGREEMENT AND RELEASING PILOT AGREEMENT OBLIGATIONS FOR FORMER CENTRAL FIRE STATION NO. 1 PROPERTY – 900 MULBERRY STREET

WHEREAS, by Roll Call No. 12-1643 dated October 22, 2012, the City Council approved Development Agreement between the City and Des Moines Social Club (“Development Agreement”) for the restoration and renovation of the former Central Fire Station No. 1 located at 900 Mulberry Street (“Property”) and in accordance with the terms of the Development Agreement, as amended, the City and Des Moines Social Club entered into an agreement for Payment in Lieu of Taxes dated March 8, 2013 (“PILOT Agreement”) for the Property; and

WHEREAS the Des Moines Social Club ceased being financially viable and the Greater Des Moines Partnership, in conjunction with other stakeholders, has worked to determine appropriate reuse of the Property and after due diligence has determined to preserve the Property by listing the Property for sale on the open market in April 2021;

WHEREAS, Abbott Properties has signed an offer to purchase the Property and intends to further renovate and reuse the taxable Property for event space, restaurant and other commercial uses; and

WHEREAS, to enable the sale of the Property to Abbott Properties or to a related development entity for the proposed further renovation and reuse of the Property it is in the best interests of the City to consent to the sale of the Property and to terminate and release of all rights of the City and of all terms, obligations, covenants, limitations and restrictions imposed on the owner of the Property contained in the Development Agreement and contained in the PILOT Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that consent to the sale of the Property to Abbott Properties or to a related development entity and the termination and release of all rights of the City and of all terms, obligations, covenants, limitations and restrictions imposed on the owner of the Property contained in the Development Agreement and contained in the PILOT Agreement is deemed necessary and appropriate and are hereby approved.



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BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute all documents necessary to memorialize the termination and release of all rights of the City and of all terms, obligations, covenants, limitations and restrictions imposed on the owner of the Property contained in the Development Agreement and contained in the PILOT Agreement as prepared and/or reviewed by the Legal Department and the City Clerk is directed to attest to the Mayor's signature and forward such documents to the Legal Department for delivery in conjunction with closing of the proposed sale to Abbott Properties or to a related development entity.

(Council Communication No. 21-395) Moved by _____ to adopt.

FORM APPROVED:

/s/ Lawrence R. McDowell
Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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