



Date March 6, 2023

APPROVAL OF FIRST AMENDMENT TO URBAN RENEWAL AGREEMENT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN CITY OF DES MOINES, IOWA AND DES MOINES CLIMATE CONTROLLED SELF STORAGE, LLC

WHEREAS, on December 6, 2021, by Roll Call No. 21-1846, the City Council approved a Development Agreement (“Agreement”) with Des Moines Climate Controlled Self Storage, LLC (the "Developer") to develop property located at 1108 Scott Avenue and geoparcels 7824-10-229-008 and 7824-10-229-009, and provided for the sale of certain adjoining City-owned property to Developer; and

WHEREAS, the Developer has requested an extension certain completion deadlines therein and to close on Developer’s purchase of the adjoining City-owned property so long as Developer completes the necessary soil remediation work, undergrounding of utilities, and relocation of a Verizon Fiber Line within one year of said closing; and

WHEREAS, the amendment also provides the City with a right to repurchase the City-owned property and the Developer’s adjoining property if the project does not materialize within the timelines set forth in the agreement and amends the restrictive covenants to reflect these new terms; and

WHEREAS, the proposed First amendment to the Agreement is in the best interest of both parties.

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

1. That the First Amendment to Urban Renewal Development Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Des Moines.
2. The City Clerk is directed to record the First Amendment with the Polk County, Iowa Recorder's Office.
3. The Director of the Office of Economic Development or her designee are directed to submit a copy of the fully executed First Amendment to Urban Renewal Development Agreement to the Finance Department for purposes of required Electronic Municipal Market Access disclosure filings and to enable the Finance Director to make any appropriate disclosure filings in accordance with the City’s adopted revised Disclosure Policy.
4. Upon requisition by the Office of Economic Development, the Finance Department shall advance the installments on the Economic Development Assistance pursuant to the First Amendment to Urban Renewal Development Agreement.

 **Roll Call Number**

Agenda Item Number

29

Date March 6, 2023

(Council Communication No. 23-120)

MOVED BY _____ TO ADOPT.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

_____ Mayor

_____ City Clerk