



Date April 24, 2023

RESOLUTION APROVING FOURTH AMENDMENT TO AMENDED AND RESTATED URBAN RENEWAL AGREEMENT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT WITH MIESBLOCK COMMERCIAL, LLC IN THE METRO CENTER URBAN RENEWAL AREA

WHEREAS, on August 14, 2017, by Roll Call No. 17-1406, the Des Moines City Council approved an Amended and Restated Urban Renewal Agreement for Sale of Land for Private Redevelopment with Miesblock Commercial, LLC (the "Developer"), as amended by First Amendment thereto authorized by the Des Moines City Council on October 14, 2019 by Roll Call No. 19-1645, Second Amendment thereto authorized by the Des Moines City Council on January 25, 2021, by Roll Call No. 21-0108, and Third Amendment thereto authorized by the Des Moines City Council on December 20, 2021, by Roll Call No. 21-1924 (collectively the "Agreement"); and

WHEREAS, the Developer has confirmed the Phase 3 Improvements set forth in the Agreement will no longer be constructed; and

WHEREAS, City Economic Development staff and the Developer have negotiated terms of a Fourth Amendment to the Development Agreement to remove all references to Phase 3 and construction of the Phase 3 Improvements, including all obligations and economic incentives associated therewith.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Fourth Amendment to the Urban Renewal Agreement is hereby approved; the Mayor is authorized and directed to execute said documents on behalf of the City of Des Moines and the City Clerk to attest to his signature; the City Manager or his designee(s) are authorized and directed to monitor compliance by the Developer with said Agreement as amended; and the City Manager is authorized and directed to execute any additional minor amendments to the Agreement and to return any substantive amendments to the Agreement to the City Council for consideration and approval.

(Council Communication No. 23-206)

MOVED BY \_\_\_\_\_ to adopt. SECOND BY \_\_\_\_\_.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and 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