



**Roll Call Number**

**Agenda Item Number**

45

**Date** July 17, 2023

**RESOLUTION APPROVING THIRD AMENDMENT TO URBAN RENEWAL DEVELOPMENT AGREEMENT BY AND BETWEEN CITY OF DES MOINES, IOWA, AND BRIDGE DISTRICT LEVEL, LLC, BRIDGE DISTRICT II TOWNHOMES, LLC AND BRIDGE DISTRICT II, LLC**

WHEREAS, Hubbell Realty Company doing business as (d/b/a) Bridge District Level, LLC, has proposed to construct a new 114-unit multi-family residential project to be known as "Level", located on a vacant site owned by Bridge District II, LLC ("Owner") in the 300 block of Maple Street and part of Hubbell Realty Company's master-planned "Bridge District" community, which is expected to include a mix of 1-unit to 4-unit bedroom apartments within a 5-story building and accommodate parking through indoor climate controlled parking and surface parking, at an estimated total project cost of \$26,900,000.00, subject to receipt of the financial assistance identified below; and

WHEREAS, on March 23, 2020, by Roll Call No. 20-0533, the City Council approved an Urban Renewal Development Agreement (the "Development Agreement") with Bridge District Level, LLC, as well as Bridge District II Townhomes, LLC and Bridge District II, LLC (collectively "Developer"), whereby the Developer has agreed to construct the Project, in accordance with a City-approved PUD Conceptual Plan and Development Plans and the Conceptual Development Plan, in exchange for economic development assistance described in said Roll Call and Development Agreement; and

WHEREAS, on December 7, 2020, by Roll Call No. 20-2015, the City Council approved the First Amendment to the Development Agreement to extend the above-referenced deadlines in the Agreement and Declaration of Covenants related thereto; and

WHEREAS, on March 21, 2022, by Roll Call No. 212-0425, the City Council approved the Second Amendment to the Development Agreement to further extend the above-reference deadlines in the Agreement and Declaration of Covenants related thereto; and

WHEREAS, under the existing Development Agreement, the 25-unit rowhome phase of this project was to be limited to the 6-year declining tax abatement schedule, but 7 of the 25 units were inadvertently approved under the 10-year declining tax abatement schedule; and

WHEREAS, since the time that the original agreement was entered into, City Council also approved additional changes to the tax abatement programs with the approval of the Fourth Restated Urban Revitalization Plan on November 15, 2021, by Roll Call Number 21-1749; and

WHEREAS, City staff has negotiated terms of a Third Amendment to the Development Agreement to acknowledge and allow for the 7 units that received the 10-year declining tax abatement schedule as well as acknowledging the changes and impacts of the Fourth Restated Urban Revitalization Plan on the remainder of the development's buildout.



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

1. The Third Amendment to the Urban Renewal Development Agreement between the City and Developer, as on file in the office of the City Clerk, is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute and attest to, respectively, the Agreement on behalf of the City of Des Moines.

2. The Director of the Office of Economic Development or her designee are directed to submit a copy of the fully executed Third Amendment to the 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.

3. The Development Services Director or designee(s) are hereby authorized and directed to continue to administer the Development Agreement on behalf of the City, and to monitor compliance by the Developer with the terms and conditions of the Agreement. The Development Services Director is further directed to forward to City Council all matters and documents that require City Council review and approval in accordance with the Agreement.

(Council Communication No. 23-347)

MOVED BY TO ADOPT. SECONDED BY

APPROVED AS TO FORM:

/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, 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