

**AMENDMENT TO  
AGREEMENT BETWEEN CITY OF DES MOINES AND RALLY CAP PROPERTIES,  
LLC, UNDER THE BLIGHTED PROPERTY REHABILITATION PROGRAM FOR  
PROPERTY LOCATED AT 693 19<sup>TH</sup> STREET, DES MOINES,  
TO ALLOW FOR EXTENSION OF COMPLETION DATE**

WHEREAS, the City of Des Moines, Iowa (“City”) entered into an Agreement with Rally Cap Properties, L.L.C., (“Developer”) an Iowa Limited Liability company and existing under the laws of the State of Iowa, for Rehabilitation of Blighted property located at 693 19<sup>th</sup> Street, Des Moines, Iowa, on April 8, 2019; and

WHEREAS, on July 13, 2020, by Roll Call No. 20-1116, the City Council approved the amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until April 30, 2021; and

WHEREAS, on April 19, 2021, by Roll Call No. 21-0623, the City Council approved the amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until October 31, 2021; and

WHEREAS, Developer, now seeks additional time to complete the project contemplated under the Agreement; and

WHEREAS, the Agreement allows for the City to approve an extension of an additional time not to exceed 6 months by written contract amendment;

WHEREAS City and the Developer have negotiated the following amendment to said Agreement,

NOW THEREFORE, it is mutually agreed by the City and the Developer as follows:

1. That the Agreement is hereby amended in accordance with the terms set forth in this Amendment.
2. Section 4. Project Completion, is hereby deleted in its entirety and replaced by the following:

**Section 4. Project Completion**

Developer shall complete the rehabilitation work by April 30, 2022. If no work on the project has commenced before March 31, 2021, the City may rescind any subsequent payments and/or terminate the contract.

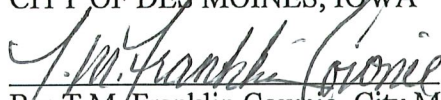
3. All other terms, provisions, and conditions originally set forth in the Agreement remain effective and binding upon the City and Assignee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the \_\_\_\_ day of December 6, 2021.

DEVELOPER  
RALLY CAP PROPERTIES, L.L.C.

\_\_\_\_\_  
By: Ryan Francois  
Owner

“CITY”  
CITY OF DES MOINES, IOWA

  
By: T.M. Franklin Cowhig, City Manager

FORM APPROVED:

  
Judy K. Parks-Kruse, Assistant City Attorney



**Roll Call Number**

21-1830

**Agenda Item Number**

40

**Date** December 6, 2021

**RESOLUTION APPROVING AMENDMENT OF BLIGHTED PROPERTY REHABILITATION (BPR) PROGRAM AGREEMENT BETWEEN CITY OF DES MOINES AND RALLY CAP PROPERTIES, LLC FOR REHABILITATION OF PROPERTY LOCATED AT 693 19<sup>TH</sup> STREET TO ALLOW EXTENSION OF THE AGREEMENT TO APRIL 30, 2022**

**WHEREAS**, on January 8, 2018, by Roll Call No. 18-0075, the City Council approved the Blighted Property Rehabilitation (BPR) Program and Program Policy to provide financial assistance to investors, non-profit organizations, and other qualified developers for projects involving the acquisition, demolition and/or rehabilitation of vacant, abandoned and/or blighted residential properties in the City of Des Moines, and directed the Community Development Department to administer the Program; and

**WHEREAS**, on April 8, 2019, by Roll Call No. 19-0558, the City Council approved the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC for funding in an amount not to exceed \$66,000.00 to facilitate rehabilitation of property located at 693 19<sup>th</sup> Street, Des Moines; and

**WHEREAS**, on July 13, 2020, by Roll Call No. 20-1116, the City Council approved the amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until April 30, 2021; and

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0623, the City Council approved the amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until October 31, 2021; and

**WHEREAS**, Rally Cap Properties, LLC has performed substantial work on the property; and

**WHEREAS**, Rally Cap Properties, LLC has requested an amendment of the Blighted Property Rehabilitation Program Agreement extending the agreement to April 30, 2022 to allow completion of the project; and

**WHEREAS**, the BPR Agreement allows extension of an additional time not to exceed 6 months by written contract amendment; and

**WHEREAS**, Community Development Department has reviewed the request and supports the extension of agreement until April 20, 2022

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

1. The amendment of the Blighted Property Rehabilitation Program Agreement between the City of Des Moines and Rally Cap Properties, LLC to allow extension of the agreement until April 30, 2022, is hereby approved; the Mayor is authorized and directed to sign the Agreement on behalf of the City; and the City Clerk is authorized and directed to attest his signature.



Roll Call Number

21-1830

Agenda Item Number

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Date December 6, 2021

(Council Communication No. 21-534)

MOVED BY Gatto TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

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

MOTION CARRIED APPROVED
M. Franklin Cownie Mayor

CERTIFICATE

I, KAY P. 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.

[Signature of Kay P. Cmelik]

City Clerk